

## THIRD DAY

(Thursday, January 16, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Fitzgerald
Allen	Fuchs
Allison	Gandy
Alsup	Garland
Avant	Gilmer
Bailey	Goodman
Baker	Halsey
Bean	Hanna
Benton	Hardeman
Blankenship	Hargis
Boone	Harris of Dallas
Brawner	Harris of Hill
Bray	Hartzog
Bridgers	Heflin
Brown	Helpinstill
Bruhl	Henderson
Bullock	Hileman
Bundy	Hobbs
Burkett	Howard
Burnaman	Howington
Carlton	Hoyo
Carrington	Huddleston
Cato	Huffman
Celaya	Hughes
Chambers	Humphrey
Clark	Hutchinson
Cleveland	Isaacks
Coker	Jones
Colson, Mrs.	Kelly
Connelly	Kennedy
Craig	Kersey
Crossley	Kinard
Crosthwait	King
Daniel	Klingeman
Davis	Knight
Deen	Lansberry
Dickson of Bexar	Lehman
Dickson of Nolan	Leyendecker
Donald	Little
Dove	Lock
Duckett	Love
Dwyer	Lowry
Ellis	Lucas
Eubank	Lyle
Evans	McAlister
Favors	McCann
Ferguson	McDonald
Files	McGlasson

McLellan	Roberts
McNamara	Rhodes
McMurry	Sallas
Manford	Senterfitt
Manning	Sharpe
Markle	Shell
Martin	Simpson
Matthews	Skiles
Mills	Smith of Bastrop
Montgomery	Smith of Atascosa
Moore	Spacek
Morgan	Spangler
Morris	Stanford
Morse	Stinson
Murray	Stubbs
Nicholson	Taylor
Pace	Thornton
Parker	Turner
Pevehouse	Vale
Phillips	Voigt
Price	Walters
Rampy	Wattner
Reed of Bowie	Weatherford
Reed of Dallas	White
Ridgeway	Whitesides
Roark	Winfree

## Absent—Excused

Anderson	Bell
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A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain.

## LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence on account of important business:

Mr. Bell for today on motion of Mr. Hartzog.

Mr. Anderson for today on motion of Mr. Dwyer.

### HOUSE CONCURRENT RESOLUTION NO. 3 WITH SENATE AMENDMENTS

Mr. Alsup called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. C. R. No. 3, Adopting Temporary Joint Rules of the House and Senate.

On motion of Mr. Alsup the House concurred in the Senate Amendments.

# HOUSE CONCURRENT RESOLUTION NO. 6 WITH SENATE AMENDMENTS

Mr. Shell called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. C. R. No. 6, Providing for parking space for members of the Legislature.

On motion of Mr. Shell the House concurred in the Senate Amendments.

## COMMITTEE APPOINTED TO ESCORT GOVERNOR TO SPEAKER'S STAND

The Speaker announced the appointment of the following Committee to escort the Governor to the Speaker's Stand:

Messrs. McMurry, Burkett, Ferguson, Wattner and Bruhl.

## SENATE NOTIFIED

The Committee appointed to notify the Senate that the House is now organized and ready for the transaction of business, appeared at the bar of the House and, being duly announced, stated that they had performed the duty assigned them.

## GOVERNOR NOTIFIED

The Committee appointed to notify the Governor that the House is now organized and ready for the transaction of business, appeared at the bar of the House and, being duly announced, stated that they had performed the duty assigned them.

## NAMING THOMAS WALTERS JR. MASCOT OF THE HOUSE

Mr. McLellan offered the following resolution:

H. S. R. No. 31, Naming Thomas Walters Jr. Mascot of the House.

Whereas, We have discovered a suitable and proper young man to become the "Mascot of the House" of the House of Representatives for the Forty-seventh Legislature, in the person of Thomas Walters, Jr., son of the Honorable Thomas Walters, Sr., Representative of Hopkins County, State of Texas; now therefore, be it Resolved, That Thomas Walters, Jr. be, and he is hereby, officially

named by this House as "Mascot of the House" of the House of Representatives for the Forty-seventh Legislature of Texas; and be it further

Resolved, That said "Mascot of the House" have his picture made and placed with the Members of the House in the official group of this Body, when and if said official group picture is provided for.

McLELLAN,  
LYLE,  
GOODMAN,  
SPACEK.

The resolution was read second time and was adopted.

## NAMING JENNIE SUE McLELLAN SWEETHEART OF MASCOTS

Mr. Goodman offered the following resolution:

H. S. R. No. 32, Naming Jennie Sue McLellan Sweetheart of Mascots.

Whereas, We have discovered a suitable and proper young lady to become the "Sweetheart of Mascots" of the House of Representatives for the Forty-seventh Legislature, in the person of Jennie Sue McLellan, daughter of the Honorable Charles S. McLellan, Representative of Colorado County, State of Texas; now, therefore, be it

Resolved, That Jennie Sue McLellan be, and she is hereby, officially named by this House as "Sweetheart of Mascots" of the House of Representatives for the Forty-seventh Legislature of Texas; and be it further

Resolved, That said "Sweetheart of Mascots" have her picture made and placed with the Members of the House in the official group of this Body, when and if said official group picture is provided for.

GOODMAN,  
WALTERS,  
SPACEK.

The resolution was read second time and was adopted.

## NAMING EDWARD DULANEY GOODMAN MASCOT OF THE HOUSE

Mr. McLellan offered the following resolution:

H. S. R. No. 33, Naming Edward Dulaney Goodman Mascot of the House.

Whereas, We have discovered a

suitable and proper young man to become the "Mascot of the House" of the House of Representatives for the Forty-seventh Legislature, in the person of Edward Dulaney Goodman, son of the Honorable V. E. Goodman, Representative of Tarrant County, State of Texas; now, therefore, be it

Resolved, That Edward Dulaney Goodman be, and he is hereby, officially named by this House as "Mascot of the House" of the House of Representatives for the Forty-seventh Legislature of Texas; and be it further

Resolved, That said "Mascot of the House" have his picture made and placed with the Members of the House in the official group of this Body, when and if said official group picture is provided for.

McLELLAN,  
SPACEK,  
WALTERS.

The resolution was read second time and was adopted.

#### NAMING TONY HILEMAN MASCOT OF THE HOUSE

Mr. McCann offered the following resolution:

H. S. R. No. 34, Naming Tony Hileman Mascot of the House.

Whereas, We have with us now a proper person for the office of Mascot of the House of Representatives of the Forty-seventh Legislature; and

Whereas, The House of Representatives has heretofore selected and elected other Mascots during previous sessions;

Now, therefore, be it resolved, That Tony Hileman of Atlanta, Texas, fourteen months old son of our Member Honorable J. K. Jake Hileman of Atlanta, Texas, be hereby officially named by this House of Representatives of the Forty-seventh Legislature of the State of Texas; and be it further

Resolved, That the said Mascot have his picture made and placed in the official group of this body and a copy of this resolution be given him.

McCANN,  
FITZGERALD,  
HARGIS,  
HELPHINSTILL.

The resolution was read second time and was adopted.

#### NAMING MASCOTS OF THE HOUSE

Mr. Kinard offered the following resolution:

H. S. R. No. 36, Naming J. Paul Lowry, Tom Lowry and Doris Lowry Mascots of the House.

Whereas, We have with us now proper persons for office of Mascots of the House of Representatives of the Forty-seventh Legislature; now, therefore, be it

Resolved, That J. Paul Lowry, age five; Tom Lowry, age three, and Doris Lowry, age one, children of the Hon. Leslie D. Lowry, be hereby officially named by this House as Mascots of the House of Representatives of the Forty-seventh Legislature of the State of Texas; and be it further

Resolved, That the said Mascots have their pictures made and placed in the official group of this body.

The resolution was read second time and was adopted.

#### NAMING STEWART KINARD MASCOT OF THE HOUSE

Mr. Walters offered the following resolution:

H. S. R. No. 37, Naming Stewart Kinard Mascot of the House.

Whereas, We have with us now a proper person for office of Mascot of the House of Representatives of the Forty-seventh Legislature; now, therefore, be it

Resolved, That Stewart Kinard, son of the Hon. Dewitt Kinard, be hereby officially named by this House as Mascot of the House of Representatives of the Forty-seventh Legislature of the State of Texas; and be it further

Resolved, That the said Mascot have his picture made and placed in the official group of this body.

The resolution was read second time and was adopted.

#### NAMING MASCOTS OF THE HOUSE

Mr. Montgomery offered the following resolution.

H. S. R. No. 38, Naming Phil Ferguson and Andy Ferguson Mascots of the House.

Whereas, We have with us now proper persons for office of Mascots of the House of Representatives of the Forty-seventh Legislature; now, therefore, be it

Resolved, That Phil, age seven, and Andy, age five months, sons of the Hon. Walter Ferguson, be hereby officially named by this House as Mascots of the House of Representatives of the Forty-seventh Legislature of the State of Texas; and be it further

Resolved, That the said Mascots have their pictures made and placed in the official group of this body.

The resolution was read second time and was adopted.

#### NAMING SHIRLEY ANN TAYLOR MASCOT OF THE HOUSE

Mr. Huddleston offered the following resolution:

H. S. R. No. 39, Naming Shirley Ann Taylor Mascot of the House.

Whereas, We have with us now a proper person for office of Mascot of the House of Representatives of the Forty-seventh Legislature; now, therefore, be it

Resolved, That Shirley Ann Taylor, daughter of the Hon. James Taylor, be hereby officially named by this House as Mascot of the House of Representatives of the Forty-seventh Legislature of the State of Texas; and be it further

Resolved, That the said Mascot have her picture made and placed in the official group of this body.

The resolution was read second time and was adopted.

#### NAMING DON DOYLE PEVEHOUSE MASCOT OF THE HOUSE

Mr. Dickson of Nolan offered the following resolution:

H. S. R. No. 30, Naming Don Doyle Pevehouse Mascot of the House.

Whereas, We have with us a proper person for office of Mascot of the House of Representatives of the Forty-seventh Legislature; now, therefore, be it

Resolved, That Don Doyle Pevehouse, son of Hon. Doyle Pevehouse, of Corsicana, Texas, be hereby officially named by this House as Mascot of the House of Representatives of the Forty-seventh Legislature of the State of Texas; and, be it further

Resolved, That the said Mascot have his picture made and placed in the official group of said body.

The resolution was read second time and was adopted.

#### BILL AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House after giving due notice thereof and their captions had been read severally the following bill and resolutions:

H. C. R. No. 4, Providing for committee to make arrangements for inaugural ceremonies.

H. C. R. No. 5, Providing for a Joint Session to count votes cast for Governor and Lieutenant Governor.

H. C. R. No. 1, Relative to mileage and per diem of Members of the Legislature.

H. C. R. No. 2, Providing for Joint Session to hear address of Governor W. Lee O'Daniel.

H. B. No. 1, "An Act making an appropriation of the sum of Three Hundred and Fifty Thousand Dollars (\$350,000), or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of Members and the per diem of officers and employees of the Regular Session of the Forty-seventh Legislature, and to pay any unpaid accounts or expenses of the Forty-sixth Legislature, and declaring an emergency."

#### APPOINTMENT OF DELEGATE TO THE COUNCIL OF STATE GOVERNMENTS

In compliance with the provisions of H. S. R. No. 18, Providing for the appointment of a delegate to the Council of State Governments, the Speaker announced the appointment of Hon. Lonnie Alsup of Panola County.

ADDRESS BY HON. W. LEE  
O'DANIEL, GOVERNOR

(In Joint Session.)

In accordance with the provisions of House Concurrent Resolution No. 2, Providing for Joint Session of the House and Senate at 10:30 o'clock a. m., today for the purpose of hearing the message of Hon. W. Lee O'Daniel, Governor, the Honorable Senators at 10:30 o'clock a. m., escorted by Hon. Bob Barker, Secretary of the Senate, and A. W. Holt, Sergeant-at-Arms of the Senate, were announced at the Bar of the House and, being duly admitted, occupied seats prepared for them along the aisle.

Lieutenant Governor Coke Stevenson was escorted to a seat on the Speaker's Stand.

Lieutenant Governor Coke Stevenson called the Senate to order.

Hon. Homer Leonard, Speaker, called the House of Representatives to order, and stated that the two Houses were in Joint Session for the purpose of hearing an address by Hon. W. Lee O'Daniel, Governor.

The Lieutenant Governor directed the Clerk to call the roll of the Senate.

The roll of the Senate was called and the following Senators were present:

Aikin	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Beck                      Spears

A quorum of the Senate was announced present.

Speaker Leonard directed the Clerk to call the roll of the House.

The roll of the House was called and the following Members were present:

Mr. Speaker	Halsey
Allen	Hanna
Allison	Hardeman
Alsup	Hargis
Avant	Harris of Dallas
Bailey	Harris of Hill
Baker	Hartzog
Bean	Heflin
Benton	Helpinstill
Blankenship	Henderson
Boone	Hileman
Brawner	Hobbs
Bray	Howard
Bridgers	Howington
Brown	Hoyo
Bruhl	Huddleston
Bullock	Huffman
Bundy	Hughes
Burkett	Humphrey
Burnaman	Hutchinson
Carlton	Isaacks
Carrington	Jones
Cato	Kelly
Celaya	Kennedy
Chambers	Kersey
Clark	Kinard
Cleveland	King
Coker	Klingeman
Colson, Mrs.	Knight
Connelly	Lansberry
Craig	Lehman
Crossley	Leyendecker
Crosthwait	Little
Daniel	Lock
Davis	Love
Deen	Lowry
Dickson of Bexar	Lucas
Dickson of Nolan	Lyle
Donald	McAlister
Dove	McCann
Duckett	McDonald
Dwyer	McGlasson
Ellis	McLellan
Eubank	McNamara
Evans	McMurry
Favors	Manford
Ferguson	Manning
Files	Markle
Fitzgerald	Martin
Fuchs	Matthews
Gandy	Mills
Garland	Montgomery
Gilmer	Moore
Goodman	Morgan

Morris	Simpson
Morse	Skiles
Murray	Smith of Bastrop
Nicholson	Smith of Atascosa
Pace	Spacek
Parker	Spangler
Pevehouse	Stanford
Phillips	Stinson
Price	Stubbs
Rampy	Taylor
Reed of Bowie	Thornton
Reed of Dallas	Turner
Ridgeway	Vale
Roark	Voigt
Roberts	Walters
Rhodes	Wattner
Sallas	Weatherford
Senterfitt	White
Sharpe	Whitesides
Shell	Winfree

Absent—Excused

Anderson                      Bell

A quorum of the House was announced present.

At 10:40 o'clock a. m., Hon. W. Lee O'Daniel, and party escorted by Senators: Martin, Brownlee, Kelley, Hazlewood and Smith, Committee on the part of the Senate, and Messrs. McMurry, Burkett, Wattner, Ferguson and Bruhl, Committee on the part of the House, was announced at the Bar of the House, and being admitted, was escorted to a seat on the Speaker's Stand.

Speaker Leonard then presented Governor W. Lee O'Daniel to the Joint Session.

Governor O'Daniel addressed the Joint Session as follows:

January 16th, 1941.

To the Members of the Forty-seventh Legislature:

The Constitution of Texas places on the Governor the responsibility of submitting to the Legislature his recommendations concerning the fiscal affairs of the State and other matters which in his judgment demand the attention of the Legislature. It is in compliance with this requirement of the Constitution that I am submitting to you today this message.

This session of the Texas Legislature convenes at a time when the whole world is disturbed and at a time when this Nation faces many problems constituting a national emergency, which must be dealt with by the President and the Congress of the United States. As Governor of Texas, I have always sought to perform my duties as Governor and leave to the President and the Congress of the United States the problem of dealing with national affairs. I have not used in the past and I do not intend in the future to use the office of Governor of this State to influence national legislation. I shall be content if when my term of office as Governor of Texas has expired, I am able to say that I have honestly and diligently performed my duty to the citizens of Texas in dealing with those matters which properly come within the field of State and local affairs.

I believe that the interest of Texas will be served best if we direct our efforts aggressively to the solution of State and local problems, many of which are unsolved and pressing, and avoid seeking to tell the national representatives whom the people have elected, how the national government should be conducted.

As Governor of Texas, I am proud to say that, in the emergency which the Nation now faces, this State has responded promptly to all requests from those in authority in our national government to cooperate in making effective the great program of national defense, and it shall be my desire to continue this cooperation to the fullest extent. In this regard, I think it wise to suggest at this time the desirability of waiting for requests for special emergency action to come to the State through properly authorized channels. It is a very easy matter to promote undesirable legislation on the theory that somehow, in some way it will be beneficial to national defense. I think we should guard carefully against the abuse of principles of sound legislation by the simple process of clothing this legislation in the words of national emergency.

Here is one matter which I want to emphasize today and that is my desire to work in harmony with the Texas Legislature in accomplishing the things which should be accomplished in this State. From my viewpoint, the Forty-seventh Legislature is a new legislative body and I think it highly inadvisable to bring into this Legislature any of the scars of the battles which were fought in the Forty-sixth Legislature. So far as I am concerned, the battles fought in the Forty-sixth Legislature are over. We are now entering upon a new legislative session and I am anxious and willing to work with every member of the Texas Senate and every member of the Texas House of Representatives in solving the problems before us.

I shall bring to the attention of the Legislature in this and in other messages, in the most definite terms, my views concerning State and local governmental matters, and I shall appreciate to the fullest extent the cooperation of the Legislature in both Houses in dealing with these problems of government which it is our responsibility to meet.

In this message today I must of necessity refer only briefly to the many things which I feel require your attention. At a later date, in additional messages, I shall discuss these matters more in detail.

Due to the demand of the people, there has been a constant increase in the services rendered by State and local government, with the result that as these new services have been provided, new departments have been established and frequently in the process there has not been an orderly grouping of the activities of government. As a result today the State Government is operating a tremendous governmental machine without any well ordered plan for doing the work. If we were just establishing a State Government in Texas, we might outline an ideal system of conducting the affairs of government in a completely business-like manner, but such is not the case and based on the experience of this State as it has come to

my attention, I am definitely of the opinion that any attempt to effect a complete reorganization of all phases of the State Government in one bill or in one session of the Legislature would be doomed to failure and would result in nothing being accomplished. On the other hand, I do believe that if the Legislature will approach the matter with an open mind, it is possible to accomplish some constructive work in the plan of reorganizing State and local government.

Today, this Legislature faces the double duty of striking down and abolishing many unfair practices of our State government which have been foisted cunningly and cleverly upon the people for the personal benefit of the selfish few; and in their stead re-instate sound principles of State government based on a true form of Democracy which will carry out honestly and fairly the will and mandate of the majority of the people, for the benefit of the great rank and file of our more than six million citizens. I believe it is my duty to be bluntly bold in dealing with this subject, and I shall, therefore, be specific in pointing out to you the process by which some of the vital functions of our Texas State Government have been taken away from the people of Texas and put into the hands of that wilful, powerful, smart and influential handful of people who make it their business to control much of the Texas State Government for their own benefit.

I have made a careful analysis and study of our Texas State Government, and in discussing our State problems with you today, I intend to be very frank, so there will be less chance for misunderstanding each other. To present the proper background for this consideration, I want to refer you to the Constitution of the State of Texas. Article II, Section I, reads as follows: "The powers of the Government of the State of Texas shall be divided into three distinct departments, each of which shall be confined to a separate body of magistracy, to-wit: Those which are Legislative to one, those which are Executive to another, and those which are

Judicial to another; and no person, or collection of persons, being of one of these departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted." That, ladies and gentlemen, is the true form of Democratic government established by our forefathers over one hundred years ago. A government divided into three divisions, each separate unto itself and each division performing a specific purpose.

Today, we have four divisions of government, and the fourth division in many instances performs all three functions of government—Legislative, Executive and Judicial. In fact this fourth division of our Texas State Government transacts most of the business of this State. In my opinion, this fourth division was deliberately and purposely set up and established through the influence of a relatively small group of selfish individuals, operating through a cunning central organization of powerful lobbyists, generally referred to by some as the third house of the Texas Legislature. Without doubt, it was set up for the explicit purpose of taking most of the powers of government away from the three constituted divisions, and placing these powers in this oligarchic fourth division, so that the third house could more easily control the affairs of State for the personal benefit of the selfish few who belong to this influential group, and to the almost total disregard of the welfare of the rank and file of our more than six million citizens of this State.

For more detailed information on this powerful fourth branch of our State government I refer you to the report of our State Auditor, Tom King, dated December 29th, 1939. From that report let me quote as follows: "The effect of the adoption of this amendment has been to create what should be properly termed a fourth branch of government in Texas. More than one hundred of these six-year-term Boards or Commissions, the term of members overlapping as provided in the above amendment, are administering practically every function of our State Government. Boards and Commis-

sions authorized the disbursement of approximately ninety-five percent (95%) or \$162,640,000.00 of expenditures from the State Treasury in the fiscal year ended August 31st, 1939, and in addition to the above, they spent approximately \$25,000,000.00 State funds which were never placed in the State Treasury, and over which State officials did not exercise even a perfunctory approval. The sources of these undeposited funds were licenses assessed, ad valorem taxes, special assessments, so-called local funds of institutions, federal grants to the State of Texas, etc.

"This headless fourth division of Texas Government divided into many units, responsible only to the invisible pressure political groups which sponsored their creation, and constituting a bureaucracy of the spoils system of government, must be returned to the control of state officials selected by the citizenship at the ballot box, before there can be economy, efficiency, or proper organization of the fiscal system of our state.

"A recent report to President Roosevelt by his Committee on Administrative Management is quoted in part as follows: 'We have watched the growth of Boards and Commissions transform the executive branches of our State Governments into grotesque agglomerations of independent and irresponsible units, bogged by the weight and confusion of the whole crazy structure.' Board members under the Texas system are appointed one-third of the membership every two years for terms of six years and cannot be removed by the Chief Executive of the State after appointment. There is no legal responsibility to the Chief Executive after the appointment is made. The term of office of the Governor is two years. A Governor of Texas, except in the case of newly-created boards, hasn't even a majority of his appointees, independent as they are, until the latter part of a second term in office. The net result is that certain cliques and groups are perpetuated in power after the administration of which they were a part has passed out of office. These bureaucratic Boards and Commissions, created as they are to perpetuate independent



organizations of the spoils system, and horizontally grouped together in many instances, with their huge spending powers, and the large amounts of patronage they have to dispense, have secured control of the vital functions of administrative officials, and have through their political influence had the official set-up of the State stripped of powers and facilities to carry out the duties expected of State officials by the electorate. These independent boards and commissions enjoy power without responsibility and leave the Chief Executive with responsibility without power. He must detour around powerful administrative agencies which are in no way subject to his authority, and therefore are actual and potential obstructions to his effective over-all management of the State government. These independent boards present a serious, immediate problem. No satisfactory administrative organization can be set up and leave suspended in the air, more than a hundred powerful irresponsible agencies free to determine policy and administer law. At the same time these boards present a long-range problem of even greater seriousness. That is because we keep on creating them. The claims of efficient administration and great accomplishment by these boards appears to be propaganda, and in no instance coming under the writer's observation have the statements been supported by accurate and adequate reports and facts to substantiate the claims."

Now, ladies and gentlemen, that is the report from our State Auditor who should know as much about the inner workings of our system as anybody else because he goes into these departments and audits their records. And may I point out to you that State Auditor Tom King made this report after I reappointed him and told him he was to wear no political bridle, and to feel free to call attention to conditions as he found them, regardless of whose toes he might step on in so doing. Now, this headless, irresponsible fourth division of our Texas State Government, and this third house of well-organized lobbyists makes a combination which thwarts the will of the masses of our

people and brings on most of the demoralized conditions which the great rank and file of our citizens experience. With this fourth division well entrenched, the third house cares very little who the people of Texas elect to the Legislature. What they are interested in is cleverly and cunningly trying to get their men appointed to these powerful boards, or by various methods endeavor to control the actions of these individuals after their appointment, because these oligarchic boards have more to do with running the state's business than the Legislature and the Governor. This small but influential group that runs the affairs of Texas for the benefit of their own selfish clique, is happy to let the people have the pleasure of paying for poll-taxes and voting every two years, while its members concentrate their efforts on getting in the good graces of the members of these boards who serve six years. It is interesting to remember that while the terms of these board members are for six years, the terms of members of the House of Representatives and of the Governor are for only two years. I consider this combination of the third house and the fourth division the basic cause of most of our state governmental ills, and it should be dealt with sternly and promptly. The Members of this Legislature are the only people who can remedy this condition. What is the remedy? In the first place, it may as well be acknowledged that you cannot eliminate the third house. But you can do something just as effective. You can ignore them. Ignoring them will render them just as impotent as eliminating them.

Now, ladies and gentlemen, in referring to this third house of powerful lobbyists, I do not in any manner refer to the honest and sincere citizens of this State who appear openly before the various committees of this Legislature to favor or oppose pending legislation. Your committees are created for that purpose and perform a useful function. It is those who seek to contact you outside those committee hearings who deserve your close scrutiny.

The members of this third house appear to be a somewhat heterogeneous group. The fine-feathered variety that roosts in the pent-house try to hold themselves somewhat aloof from the basement variety in the same house, and perhaps the pride of some will be somewhat crushed by this message just referring to all of them as one breed. However, time here will not permit a careful analysis of the various subdivisions of the third house.

Now, as far as the fourth division of government is concerned, I say to you in all sincerity that even with the exercise of all the power which you as Members of the Legislature have, I do not believe you can abolish this division of our State Government. I base that statement on the well known theory that the tail cannot wag the dog. If you want to find out how difficult it is to abolish the entire fourth division of the Texas State Government, just try to abolish any one of the more than one hundred of these boards and commissions which constitute the fourth division. But be not discouraged. I will tell you one thing that you can do to help break up this combination. In setting up this system, the members of the third house have violated one of the oldest and most fundamental principles of the relation of employers and employees. They have bestowed the Divine Right of Kings upon the heads of these oligarchic boards constituting this fourth division of our Texas State Government.

Once selected and appointed, these board members cannot be discharged—or, to use the more popular expression, "Once hired, they cannot be fired." Every housewife knows when she hires a cook, or maid, or nurse, that she will get very little service if she does not also have the right to fire the cook, or maid, or nurse. Every farmer knows he will get very little service from his hired hands if he does not have the authority to fire them. In a true democracy there is no sane argument against that age-old fundamental principle that the one who hires also has the right to fire. Yet, in this clever set-up of this Fourth Division, when once the Governor

hires the members of these various boards, they are hired for six long years, and regardless of whether they conduct themselves in a proper manner or are guilty of unethical practices or whether they are well or play sick, they go on for six years drawing their salary, and the one who hired them cannot dismiss them, regardless of how certain he may be they are not performing their duty or earning their salary. You Members can remedy this condition by simply giving to him who hires them the right to fire them. The only opposition you will encounter in doing this will be from the members of the third house, and their friends and collaborators. Ignore them.

The great rank and file of our good Texas citizens want this absurd system changed.

If I were a politician, I would not want you to change this system, because I would want to set up an office in Austin after I finish serving as Governor, and then be paid fabulous retaining fees to represent clients who desire to do business with the departments whose personnel consists of men whom I have appointed. Such an arrangement would redound to my material benefit for several years after I quit serving as Governor.

But, you all know I am not a politician and I expect to continue making an honest living after I have served my time as Governor. The obstructionists who will fight you in your attempt to make this change will say that they want to keep these boards free from politics, and removed from danger of domination by the Governor. Mature reflection will reveal the absurdity of such contention, particularly when we see that the system as now organized is honeycombed with politics, and besides that, is perpetual. If the Governor is given the right to hire and fire appointees, the people can get rid of the Governor and all his appointees in two years if his administration does not suit them. The way it is now, the people can never get rid of this giant, headless, irresponsible fourth division of government. I will admit that I am not infallible. I may choose a man

for a job, and think he is exactly fitted for that place, and appoint him. Later I may discover that he is wholly unfitted for the job, but there is no way for me to remove him. He just keeps on drawing his salary for six long years. I say that kind of a system is a bad system.

I do not believe the State has ever suffered much loss on account of anyone having been dismissed from the public service—the loss occurs in the hiring, not the firing. Even if a good man was dismissed the State's interest is protected in that the Governor cannot make a new appointment except on approval of two-thirds of the members of the Senate. That is the safety valve which is supposed to protect the State. If the Governor should fire an appointee, he could not hire another to take his place unless two-thirds of the Senators also thought the new person designated was a good man and capable of performing the duties of that office. So I say to you that our system of making the Governor's appointees subject to confirmation by two-thirds of the members of the Senate constitutes an adequate safeguard for the protection of the public interest. But, if the Governor finds out after an appointment is made that it was a mistake, he should have the right to correct that mistake by dismissing the appointee and selecting another, who in turn must also be confirmed by two-thirds of the Senate. Then in addition to this argument, it is well known that almost anyone will work harder and better if he knows he can be discharged. The large number of appointees in these more than one hundred boards and commissions, constituting this giant oligarchy which I have characterized as the fourth division of our Texas State Government, owe no allegiance to the Governor who appoints them because he cannot dismiss them, and they owe no allegiance to the voters of Texas because the voters do not elect them and cannot fire them. This is not criticism of any particular individual appointees, but is intended as a severe indictment of this part of our system of State Government.

Some of our ultra-smart lawyers

who are connected directly or perhaps remotely with the powerful fourth division of our Government may try to tear this argument to pieces by saying that appointees can be removed from office by impeachment proceedings in the House of Representatives, with subsequent trial by the Senate if they are impeached by the House. But I invite your careful consideration of the practical aspects of this procedure. Officials may, in truth, have charges brought against them in the House of Representatives. If those charges are voted, and the official is impeached, the Senate will sit as a court to act upon the case. It is possible that some official, charged with gross misconduct and dishonesty, might be removed. But may I remind you that there are many other reasons for removing a person from office besides dishonesty. Some people get too lazy on a job when they know they cannot be removed. I do not believe the people of Texas want a State appointee who stays away from his work too much, who is extravagant, or who is guilty of immoral or unethical acts. The Legislature is supposed to stay in session only four months out of twenty-four. This leaves twenty months out of the twenty-four that the Legislature will not be in position to remove an appointee, except at the enormous expense of a called special session. Therefore, this system under which the Legislature has the only power to remove an appointee is seen to be impractical, cumbersome, expensive, and ineffective, and that is exactly the reason why the third house and the fourth division want it retained and that is the reason why they will try to prevent you from changing the system.

In dealing with this subject I am striking at the very heart of the political set-up which uses this Texas State Government for its own personal and selfish gain. The intensity of criticism and objection to changing this system will serve as an indicator to show how close I have struck to the nerve center of their power. The objection and criticism will not come to you Members from the common folks of this State who are depending upon you to return this Texas State Government

to the people who constitute this State, and I mean the more than six million of us.

Those powerful interests who will bitterly oppose changing this system will no doubt cry loud and long that the proposal means setting up a dictatorship in the office of the Governor. I say that is not true. It will only restore to the Governor the power which he needs to carry out the responsibilities of his office, and each Governor who is entrusted with this power, must render an account of that sacred trust to the sovereign voters of this State every two years. That is not a dictatorship. That is democracy. The dictatorship lies in the system we now have, wherein the members of these powerful oligarchic boards and departments never do come before the bar of the sovereign voters of this State, nor are they responsible to any elective officer of the State.

To correct this obvious defect in our system, I have had a bill prepared, for your consideration, and I am pleased to submit it with this message.

There is another law in this State which is almost as absurd as the one just discussed. It is the law that provides for the appointment by the Governor of an Auditor to audit the Governor and his appointees. I invite you to consider what kind of an auditor's report you would get if you bought a store which you would seldom have an opportunity to inspect; hired a manager to run that store and then let the manager hire his own auditor to audit the manager's accounts.

I think that if you furnished the money and hired a manager, you would most certainly want to select your own auditor instead of letting the manager select him. Well, the people of Texas have just that kind of a ridiculous system.

The people of Texas furnish the money and hire 181 Legislators to appropriate the money to the various departments. Then the people hire a Governor who appoints men to run these departments and spend this money, and then the system we now have provides for the Governor to appoint his own Auditor to audit himself and his appointees.

Under present-day conditions the State of Texas is spending, in round figures, Three Hundred Million Dollars (\$300,000,000) or more each biennium, but only about twenty percent (20%) of this expenditure is carried in the regular appropriation bills. The Constitution of Texas places on the Texas Legislature the responsibility for authorizing the expenditure of the taxpayers' money. It places upon the Legislature the responsibility of prescribing in definite terms the purposes for which this money can be expended. As the law now stands, the Legislature has no continuing, competent agency responsible to the Legislature whose duty it is to report to the Legislature whether or not the laws governing the expenditure of the taxpayers' money have been complied with. For instance, the last Legislature wrote into appropriation bills specific and definite limitations on the expenditure of money, but you ladies and gentlemen, who are assembled here today do not have the information which you should have to enable you to know whether the mandates of the Legislatures which have preceded you have been obeyed. The only sensible way to handle the auditing is for the Legislature which appropriates the money to appoint the Auditor to post-audit the books of the Governor and his appointees, and report back to the succeeding Legislature just how the money was spent and how much, so the Legislature will know that only the amounts appropriated were spent, and that such funds were spent for the purpose for which the Legislature appropriated them. I recommend that this extraordinary law be changed so that the Legislature will appoint the auditor instead of the Governor appointing him. It's the principle of our present system that I am condemning. The principle is wrong and it should be changed. Some time, some Legislature of Texas will change this unwise law, and I hope this, the 47th Legislature, will have the honor of making this change, and not leave it to some future Legislature to lock the barn door after the horses have been stolen.

Yes, that is a wise old saying that it is better to lock the barn door before the horses are stolen. But on the ranch where I was raised, our

barn door was in two sections, an upper door and a lower door, and we learned that it was necessary to lock both barn doors to keep the horses from being stolen, because by locking the upper door the big horses could not get out, but we had to also lock the lower door to keep the colts from getting out. Therefore, I want to suggest that in this case you lock both doors. I have just described one of the doors to you, and will not discuss the other door. While you are changing the law so that the Legislature instead of the Governor will appoint the post-auditor, please also change the law so that the Governor can appoint a Budget Director to prepare the budget instead of having it prepared by the Board of Control, a body which also spends more than half of the State expenditures. I have full confidence in the present Board of Control, but the principle is wrong, and they should not be authorized to make up their own budget, nor the budget for any of the other departments. I recommend that you provide the State with a Budget Director to be appointed by the Governor, with the approval of two-thirds of the Senators, and take the appointment of the State Auditor away from the Governor, and place it in the hands of the Legislature. That will be locking both doors. I am submitting with this message a bill for your consideration which is intended to correct these two defects in our system.

After you change the law so that the Governor has, along with the appointive power, the power also to remove appointees, and have placed the budgetary control in the hands of the Governor, and the Auditor for post-auditing in the hands of the Legislature, the next move which I recommend is that all funds of the more than 100 different departments and bureaus be deposited in the State Treasury, where such funds rightfully belong, instead of having different departments carrying the money in their own bank, or their own possession. Along with this change, I recommend that the collection of all taxes, fees and other income of every department of the State be placed in the hands of the Comptroller, and if there are any collections which must be collected by others, that a daily report of those

who collect should be made to the Comptroller, so he will know each day, the total income of all State departments. This centralized collecting by the Comptroller will effect a great saving to the State, over the present system under which several State employees from various departments go to the expense of collecting from the same people in many instances. For your consideration, I am attaching hereto a proposed bill, which, if enacted, will greatly safeguard the money of our State.

Now, ladies and gentlemen, I want to point out to you at this juncture that these few changes in our system which I have just recommended are so practical and so essential to honest and efficient management that I cannot conceive of a single voice being raised against their adoption. The suggested principles which I have recommended are not new theories, but, on the contrary, are old and tried and proven principles of honest and efficient management. Every successful business enterprise in the United States employs such principles, or else it is doomed to failure. The reason why these old antiquated and unsound practices are still in vogue in the Texas State Government is simply because the self-interested group previously referred to has willed it so in order that confusion and inefficiency will exist in this Government of ours, the better to serve the group's ulterior motives.

If any wolves in sheep's clothing should approach members of the Senate or House with objections to these changes which I have just recommended, I suggest that you carefully ascertain and analyze their motives before you consider their arguments. Also bear in mind that this assembly of powerful and well-organized lobbyists and the staffs which they can employ with their unlimited expense accounts, are very clever, and they receive handsome rewards, far more than you ladies and gentlemen receive, but they cannot draw that remuneration very long unless they can get you to do what their employers want done, and what those political employers want done is not what the great rank and file of our good citizens of Texas want done.

I may appear to be harsh on this group of which I speak, but during

my brief experience with affairs of State, I have seen the hopes of common men wrecked by the crafty maneuvers of these interests, and that is why I want to go far enough in this message so that no one can accuse me of not warning you ladies and gentlemen, and especially you new members, of the pitfalls and dangers that lie close at hand, just beyond the fortress of your own consciences.

You members who have been here before need no warning from me. I say to you that it is time to clean up this Texas State Government, and I am firmly convinced that the people back home want it cleaned up, and that is why they sent so many new faces down here this year; and those who have been here before must have been good, or they would not have been returned.

It is high time to quit talking about our great Democracy, and go ahead and re-create a true Democratic form of Government in Texas, the kind our forefathers envisioned, and do it at this session of the Legislature. I mean a Democratic form of Government of the people, by the people and for the people, and that means all of the people, not just a favored few.

Section 49 of Article III of the Constitution of Texas reads as follows:

"No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenue, repel invasion, suppress insurrection, defend the State in war, or pay existing debt; and the debt created to supply deficiencies in the revenue, shall never exceed in the aggregate at any one time two hundred thousand dollars."

Obviously, those who framed the Constitution of Texas thought they had prevented the State from creating a public debt, but experience has proved that this is not true.

The deficit in the State General Fund when this biennium ends will be approximately Thirty Million Dollars (\$30,000,000). It is definitely a violation of the purpose of the Constitution to incur this debt without a vote of the people, but the debt has been incurred and it must be paid.

I feel that we, as servants of the taxpayers of this State, have an ob-

ligation to stop this violation of the purpose of the Texas Constitution and I hope that this Legislature will submit to the people of this State a constitutional amendment which will provide that all bills passed by the Legislature appropriating public moneys shall first be sent to the State Comptroller of Public Accounts and that he shall attach to the appropriation bill a certification that under taxes already authorized, the funds will be available to pay the appropriation when it matures and that the Governor shall not be authorized to sign any appropriation bill until such certificate of the State Comptroller has been attached. I am attaching hereto a proposed Amendment to put this plan into operation, if adopted, and I trust you will give serious consideration to submitting this Amendment, or a similar one of your own choosing, to the voters of this State, at the earliest possible date. Let us get back to the fundamental principle of paying our bills as we go.

I believe also that it is highly important for this Legislature to give thought and attention to the general problem of establishing a merit system for State employees. I am not unmindful of the difficulties encountered in the operation of the civil service plan of selecting employees both by other States and by the National Government, but I do not believe difficulties encountered are insurmountable. In any civil service law passed by the State I think the first and primary consideration should be to control the qualifications of those entering the State's service, with a minimum attention to the problem of keeping them on the payroll after they have entered. In other words, I am not much concerned about granting to department heads liberal authority in the matter of discharging employees, if you have a law that is strict enough to require that they will be replaced by those who are thoroughly competent. Such a law will, in my judgment, cure most of the troubles incident to the spoils system. Previous Legislatures have put off and sidestepped this essential legislation, until we have recently been obliged to set up a merit system in two of our State depart-

ments where Federal funds are contributed, or else such Federal funds would have been withheld.

In setting up this temporary Merit System Council, we tried to remove it as far as possible from political influence by inviting the presidents of three of our institutions of higher education each to suggest the name of a member to serve on the Council. This they did. Then those three men so selected were appointed, and they, in turn, hired a Personnel Director to administer the rules and regulations. It is the intention of the plan for the Merit Council to formulate rules and regulations and examinations. In order to coordinate our educational institutions which educate our people, with our State departments which employ them, the Merit Council will arrange to give examinations in various schools of our State located at strategic points so that the products of our own educational institutions and all of our citizens seeking employment in State offices may be able to take the examinations and take them without traveling far from their homes.

When department heads of the State Government hereafter want to hire employees, they may do so by applying to the Personnel Director of the State Merit Council, who will in turn supply their need with applicants who have made the necessary grades in the State examinations. With this start, I trust this Legislature will breathe the breath of law into the temporary Merit System which has been set up, and extend its jurisdiction to include all State departments.

Summarizing these recommendations which will affect the fundamental organization of State and local government, I have recommended as a program to accomplish this purpose the following:

(1) Extend the appointive power of the Governor to include also the power to remove appointees.

(2) Establish an effective budget control of State expenditures of public funds and tighten some phases of the budget law as it affects the expenditure of local funds, and establish an effective system of post-auditing which will

make available to the Legislature the information which they must have if they are to perform the duties placed upon them by the Constitution of this State.

(3) Consolidate, in so far as possible, in the office of the Comptroller of Public Accounts the tax-collecting machinery of the State Government and eliminate as many as possible of the separate funds in which State money is now kept and require in the future that these funds be placed in the Treasury of the State of Texas and be paid out only upon specific legislative appropriation.

(4) Amend the Constitution of this State so as to stop the present practice of incurring a State debt, which has already reached tremendous proportions, through the process of deficit spending, so that the people of this State can be assured that the purpose of the Constitution of Texas will be carried out and that no debt will be assumed in this State without a vote of the people.

(5) Establish a Merit System to cover the selection of State employees.

I believe that if the Legislature will direct its efforts aggressively toward accomplishing these purposes and not waste its efforts in an attempt to pass some theoretical governmental reorganization plan which involves all phases of the State Government, we may hope to accomplish definite, specific, worth-while improvement in the organization of State and local government which will improve the service and at the same time protect the reasonable interests of the tax-paying public. I most urgently ask the careful consideration of these foregoing recommendations by this Legislature.

In addition to the five foregoing recommendations intended to correct defects in the organization of our governmental structure, I now desire to direct your attention to the following important matters which should have your sincere consideration and attention.

(a) As I have traveled over Texas I have been impressed with the need for the development of farm-to-market roads. I do not minimize the importance of our main highway system in Texas, but I do believe

that it would be possible for the Legislature to work out plans whereby the State Highway Department could be more helpful in the development of farm-to-market roads to serve the farmers and stock raisers of this State, and I urge upon you consideration of this subject.

(b) I believe that the law regulating the load of trucks on our public highways should be amended because I do not believe the present law is a reasonable law. When it is amended, I feel that these considerations should be the determining factors in dealing with the problem. First, the limit should be an over-all weight limit and should be designed primarily to protect our highways from excessive loads. Based on studies I have made of this problem, it seems to me that there is a sufficient amount of information available to enable the Legislature to deal with this problem on this basis. Second, I believe that the law should be so written as to guarantee that where the highways are used for commercial purposes, transportation of freight and passengers for pay, the fees paid to the State should be sufficient to cover the proper proportional amount of the cost of constructing and maintaining these highways. Third, a factor which I think should be considered is that of safety. To me it is obvious that one truck going down the highway carrying fourteen thousand pounds is not as hazardous to public safety as two trucks carrying seven thousand pounds each. In other words, the more trucks you have on the highway, the greater the hazard to the traveling public. Of course, the size of trucks and buses should be determined on a basis of safety to the public and the maintenance of proper weight limits. I believe that the number of trucks and buses on our public highways should be limited to that number which is essential to meet the public demand, and the lifting of the load limit on the highways from 7,000 pounds to 14,000 pounds will contribute to this purpose. I think the maintenance of a load limit which puts two trucks on the highway where one could serve the purpose is just as unreasonable as proposing to limit the length of trains

which would result in putting two trains across a grade-crossing when normally one would pass—both are artificial limitations and are not in the public's interest.

(c) My position with reference to the question of the manufacture and sale of intoxicating beverages is well known. I have always opposed it, and I now oppose it. But, as Governor of this State, it is my responsibility under the law to see that we have effective control of the sale of intoxicating beverages, and it is to this matter of control that I would invite your attention at this time.

I believe that legislation should be enacted which will go just as far as possible toward eliminating the troubles incident to the sale of intoxicating beverages in Texas. I believe those who are engaged in the manufacture of beer and whiskey and those who are engaged in the sale of beer and whiskey should cooperate in securing such control because if they do not they may be assured that the time will come when the people of this State will by their votes prohibit the sale of all intoxicating beverages within the confines of this State. I hope, therefore, that the Legislature will give more serious consideration to this problem and enact legislation to establish more effective control, and I hope that such legislation will not in any sense disturb existing laws authorizing local communities throughout the State to deal with this problem as a local problem.

Another feature of control of the liquor traffic which I think should have the serious consideration of this Legislature is the advertising of it. I recognize the right of free press and of free speech, as long as such free press and free speech deals with a product the sale of which is legally authorized, but liquor and beer are illegal products in some districts in Texas and those districts should be protected from having any form of the traffic cross the boundary line into their territory. Let those engaged in the manufacture or sale of beer and whiskey have free press and free speech and distribute their advertising in the territory where the sale of their products is legalized, but prohibit them



from delivering their advertising in any way in territory where the sale of their product is not legalized. Incidentally, it occurs to me that those who are engaged in the liquor business would show some consideration to the rights of people in dry districts by not forcing their unwelcome advertising of an illegal product into their dry districts. It appears, however, that they do not choose to willingly do this. Therefore, it seems that the force of law must be used to protect the rights of our Texas citizens in dry territories from all phases of the liquor traffic, including the advertising of it.

(d) My position with reference to the operation of slot machines, marble machines, and other gambling devices, as well as pari-mutuel betting on horse racing, has been stated to the people before and is well known. I believe all of these things are definitely detrimental to the welfare of the people, and I hope that this Legislature will not seek to legalize any of these things under the subterfuge of raising revenue for worthy causes. I recognize the right of any member of the Legislature to introduce and sponsor legislation favoring any of these things if in his judgment it is desirable to do so, but I hope that if this be done, the sponsors will handle it as a separate matter so that when other members are called to vote upon it and when it comes to the Governor's desk, it may be dealt with as an individual matter on its own merits.

(e) I have been impressed with the fact that much undesirable legislation is presented to the Legislature in the form of local bills. Obviously, there are a few cases where local bills are justified, but I think it is absolutely unsound policy to seek to deal with many problems which, in fact, affect all counties in the State, by bills designed to affect only one county in the State. In other words, I feel that a local bill which applies to one county only, may have an adverse effect upon many other counties. I believe that local bills should be confined to those emergency matters which cannot be dealt with by general legislation, which definitely fall within the

authority granted in the Constitution for the passage of local bills.

(f) I believe most of the general bills of the State remitting State taxes to local units of government are unsound. I think it has been seriously abused in the past and I would most respectfully urge that the Legislature consider very deliberately any proposal designed to remit States taxes to any local unit of government within the State. It is a policy which should be stopped and I think now is a good time to stop it.

(g) At the past session of the Texas Legislature, I submitted a recommendation which I want to renew at this time and it is the recommendation that the laws which provide the death penalty for certain crimes be amended and that there be substituted for the death penalty an irrevocable life sentence in the penitentiary. It is my considered judgment that the irrevocable life sentence would be a more effective punishment than the death penalty. I do not believe that any person, or man-created association of people, as a gang or as a State government, has the right to take the life of any person.

(h) The Forty-sixth Legislature passed a bill authorizing the State to accept private contributions for the purpose of purchasing land in the Big Bend park area, and to donate such land to the Federal Government for the purpose of establishing a National Park. Inasmuch as a National Park in the Big Bend area of Texas would bring thousands of tourists to Texas, and benefit almost every citizen in our State, I suggest that this Legislature give serious consideration to a plan for financing the purchase of such land as is needed for this purpose.

(i) It is the duty of the Legislature to re-district the State each ten years, based on population. This duty has been shirked since 1930, and now the 1940 population figures are available, and I trust that this Legislature will perform its duty and re-district this State in accordance with the law.

(j) I trust you will take the price tag off the poll-tax and give free men and women the right to vote, on the basis of their inalienable rights as American citizens instead of on the size of their pocketbooks.

(k) Before concluding my recommendations to this 47th Texas Legislature today, I want to turn back the pages of time to January 11th, 1895, and read to you a recommendation of one of the greatest Governors the common people of Texas ever had—Governor James Stephen Hogg. Here is his message:

"Looking ahead, only one danger can be seen to threaten the usefulness of the (Railroad) Commission; and by timely legislative action, this can be measurably avoided. The trouble lurks in the political arena. Should the great powers vested in the Commissioners be diverted from commercial channels into political currents, then the danger must be fully realized by the people. By all means, insofar as is possible, the (Railroad) Commission should be eliminated from politics. As a business institution, its beneficial work must be keenly felt by every material interest in the State. As a political machine, every revolution of it would menace the happiness of the people. By constitutional amendment adopted at the last election, the Commissioners are made elective. This is the first unfortunate step taken for the Commission. The people demanded it. They had a right to it. Now they have the privilege, by their own act, to elect the (Railroad) Commissioners. It is in the power of the Legislature, however, to throw safeguards around them, so the evil that must result from their engaging in political elections may be restricted, circumscribed.

"In my first message in 1891 on this subject, warning the Legislature against this danger, and pointing a way out of it, I said: 'This can be done by providing that no member of the (Railroad) Commission shall be eligible to any other position of emolument or trust for the period of two years after the expiration of his term as Commissioner. \* \* \* One of the great achievements of the Commission desirable by all classes, should be the removal of the railroads from politics. With the feature of disqualification as suggested, it is not impossible for this result to be fully attained. \* \* \* By this method of biennial political agitations and corrupting influence of corporate power in the elections, always pro-

ductive of discontent, jealousy and unhappiness among the just people, will be at an end.'

"Every word of this I repeat now. There is a serious danger to result if the Railway Commission is permitted to engage in politics. Their election, with all the legislative restrictions that may be placed around them, will produce much trouble anyway. To permit them to use their powers for political advantage in seeking other offices, will, in time, greatly impair, if not destroy, the efficacy of the law. It cannot be objectionable to any man in public life, who prefers a fine record to political promotion, to know that the law forbids his becoming a candidate for another office for a named period of years. His answer to the frequent importunities to run for office will be sufficient when he replies that the law forbids it. Thus his great public work will go on undisturbed, to the honor of himself, and benefit to the people. The law needs no amendment. A simple act, providing for the election of the (Railroad) Commissioners, in obedience to the late constitutional amendment, and declaring that ineligibility to other office for a short period of years, will be sufficient."

Those, ladies and gentlemen of the 47th Legislature, were the words of great Governor James Stephen Hogg, spoken to the Texas Legislature fifty years ago and repeated to the Legislature 46 years ago. We had no Highway Commission at that time, consequently Governor Hogg could not include the Highway Commission in his recommendation which I have just read, but I think there are plenty of people in Texas today who will insist that members of the Highway Commission, and other State officials with power through which State favors can be exchanged for political support, should also be ineligible for election to other State offices, until at least two years after the term of office to which they were elected or appointed has expired. I want to submit Governor Hogg's recommendation to you, and recommend that you enlarge it to include all State officers, with the exception that State Representatives be eligible to run for the Senate, or vice versa. In order to be fair to all

State officers who are now serving, and who may now or later have aspirations to run for other State offices, I suggest that you make the bill effective February 1st, 1943.

These foregoing recommendations, lettered from (a) to (k), both inclusive, constitute matters of urgent importance which I trust will receive your careful consideration. Other matters will be submitted to you from time to time during this Session, especially some recommendations intended to benefit the farmers of this great agricultural State, who have been so long neglected by their State Government.

I am pleased to report that much has been accomplished in our Industrialization Program and results have greatly exceeded our expectations. The surface, however, is only scratched, and our goal is to make Texas the greatest industrial State in the United States. I shall give you a special report later, on the Industrialization Program for your consideration.

I shall also be glad to discuss with you the consolidation of certain departments, and other economy plans to reduce the cost of government.

The problems so far discussed are important matters which can be handled and enacted into law without costing the taxpayers much, if any, money, but which will make substantial improvements in our Texas State Government. Again I want to emphasize that in making these recommendations to you, I am only performing my Constitutional duty. I recognize that it is the exclusive duty and responsibility of the members of this Legislature to enact all legislation, and I am giving you the suggestions because I feel that these are all very important matters. If, however, you conclude to enact legislation that will better correct these evils in our system of government, and prove to be more beneficial to our great rank and file of Texas citizens, I shall accept with propriety, your method, and cooperate to the fullest extent in putting it into effect.

I am submitting none of these recommendations today as emergency legislation, but on tomorrow, if it meets with your pleasure, I shall discuss with you the Number One

Problem of Texas, that problem dealing with our Social Security obligations, and methods of obtaining revenue with which to discharge these obligations, and other important obligations of this State.

In the meantime, may I remind you that people of all States and Nations, having witnessed the downfall of Nations whose leaders betrayed the confidence of the common people, are today more than ever before, scrutinizing closely the actions of their leaders. I believe few people will deny that some of the same conditions and practices which caused the downfall of some of the Nations across the seas, and some of the Nations of ancient history, exist here to a greater or lesser degree, and that like conditions and practices will produce like results, regardless of where they may be found.

Without listing the elements of this situation, may I state as my personal opinion, the view that uppermost in our shortcomings may be listed a quite general departure from the fundamental and practical application of true religious principles as taught us in the Holy Bible. This great Nation was founded by men and women who charted their every deed and action on the literal interpretation of the Ten Commandments, the Golden Rule and the Teachings of Christ. On that policy this Nation has forged ever upward and onward. Should our grip on those perpetually sound principles ever weaken sufficiently to start us in the opposite direction, the word America in the grinding process of Eternity, will mean no more than the words Sodom and Gomorrah. God's infallible law knows no favorites.

In my visits with you last fall, I was impressed with the serene sanctity of your homes, and with that love and explicit confidence which fairly beamed in the faces of your family and your neighbors who have chosen you as their leaders.

Practical as I am, I cannot help but believe that during this crucial world crisis, most of you, ladies and gentlemen, have been chosen by the hand of God, operating through His children, in the various communi-

ties of this State. Nothing like this upheaval has ever happened before in this great State of Texas. In your deliberations, I have no doubt but what most of you will keep in close communion with the only One who can give human beings the kind of guidance that our State and Nation needs during this dark hour in world history. I feel that this Session of the Legislature will be a different kind of Session than has ever before been assembled. I am confident that more benefit will come out of this Session for the great rank and file of the common citizens of this State than has ever before been accomplished.

I anticipate the greatest joy of my life in sharing with you, ladies and gentlemen of the 47th Legislature of the great State of Texas, the most constructive accomplishments of our State's history.

May God bless us and guide us in our noble desires to serve our people.

GOVERNOR W. LEE O'DANIEL.

Following is the text of the bills submitted by the Governor in addressing the Joint Session:

#### A BILL

#### To Be Entitled

An Act repealing House Bill No. 170, Chapter 91, Acts of the First Called Session of the Forty-first Legislature of the State of Texas, 1929; and Chapter 206 of the Acts of the Regular Session of the Forty-second Legislature, same being House Bill No. 768; and providing for the creation of a Legislative Audit Committee, fixing its duties; and providing for the appointment of a State Auditor by said Legislative Audit Committee, prescribing the qualifications, duties of said State Auditor and fixing his compensation; providing for the necessary assistants for said State Auditor and fixing their qualifications and compensation; providing for payment of salaries, travel, and other expense of the office of State Auditor; providing for the removal of the State Auditor and his assistants or any of them under certain conditions; providing a method of filling any vacancy in

the office of State Auditor and personnel in said office; prescribing penalties; creating and providing a uniform budget system for the State and all counties, cities, towns, villages, independent school districts, common school districts; designating the Governor as the chief budget officer of the State; providing for the appointment of a Director of the Budget, fixing his compensation, qualifications, powers, duties and tenure of office; prescribing the duties of the Governor in the preparation of the budget and budget bills; fixing the responsibility for the preparation of the budget; providing time for its adoption; prescribing the procedure governing the adoption of budgets of all counties, cities, towns, villages, independent school districts, and common school districts; and declaring an emergency.

Whereas, During each biennium the State of Texas expends in excess of Three Hundred Million Dollars (\$300,000,000) and of this amount only approximately Seventy Million Dollars (\$70,000,000) is expended in response to direct itemized legislative appropriations; and

Whereas, If the Legislature is to act intelligently in the expenditure of this vast sum of money, it is of paramount importance that at the beginning of each session of the Legislature the members thereof have before them full information concerning all expenditures of all State agencies; and

Whereas, Under present conditions there is no officer directly responsible to the Legislature whose duty it is to examine all expenditures of all governmental agencies and report back to the Legislature at each succeeding session whether or not these expenditures are being made in accordance with law; and

Whereas, It is important that the Legislature maintain a continuous audit of public funds under the authority of an agency responsible to the Legislature and to the Legislature alone; and

Whereas, Periodical investigations of expenditures of government departments are expensive and in-

effective because of lack of continuity of effort; and

Whereas, The State Auditor is now appointed by the Governor and he, in turn, then audits the Governor's appointees; and

Whereas, Under this procedure he is not responsible to the Legislature, it therefore becomes necessary that existing law be so changed as to make the State Auditor the agent of and directly responsible to the Legislature to the end that the Legislature may receive that information necessary for them to have to the end that they may conserve the money of the taxpayers of this State; and

Whereas, The Constitution of the State of Texas in Section 9, Article IV, requires the Governor at the commencement of each session of the Legislature to submit to the Legislature estimates of the amount of money required to be raised by taxation for all purposes; and

Whereas, With the tremendous growth and development of the State Government, it is physically impossible for the Governor to comply with this section of the Constitution unless adequate, trained personnel is made available to him to perform this duty; and

Whereas, Under the present procedure the budget for the State Government is prepared each year by the Board of Control when in fact it should be prepared by the Governor, or by an agency directly responsible to the Governor; and

Whereas, If the Governor is to comply with the plain intent of the Constitution, it is necessary to create the office of Director of the Budget with necessary assistants to perform this work; and

Whereas, Under the present law there is serious abuse and evasion by local government of the plain intent of the law by the adoption of supplemental budgets without proper safeguards; all of which makes it necessary that a coordinated system of auditing and budgeting be established in this State; and to accomplish the foregoing purposes:

Be It Enacted by the Legislature of the State of Texas:

Section 1. That House Bill No. 170, Chapter 91, of the Acts of the

First Called Session of the Forty-first Legislature of the State of Texas, 1929, be and the same is hereby repealed. Any funds remaining in the appropriation for the current biennium for the office of State Auditor and Efficiency Expert, at the time this Act shall take effect, shall revert to the General Fund of the State.

Sec. 2. There is hereby created a Legislative Audit Committee, which shall be composed of the Speaker of the House of Representatives, the Chairman of the Appropriations Committee of the House of Representatives, the Chairman of the Revenue and Taxation Committee of the House of Representatives, the Lieutenant Governor, the Chairman of the Finance Committee of the Senate and the Chairman of the Committee on State Affairs of the Senate. The members of said Committee shall receive no compensation for the services performed under the provisions of this Act, but each shall receive his actual and necessary expenses incurred in the discharge of his duties as such member. The Committee, within ten (10) days from the passage of this Act, shall meet and organize by electing one member of said Committee, Chairman, and another member of said Committee, Secretary. In voting on any question which this Act requires the Legislative Audit Committee to decide, if the full Committee is present and there is a tie vote and the Committee cannot secure, within a reasonable time, a majority vote either for or against the proposition under consideration, then the Lieutenant Governor and the Speaker of the House shall agree on a seventh member, selected from the membership of either the House or the Senate, and the member so selected shall meet with the Committee and shall vote on the proposition under consideration. When he has voted and the proposition has been decided, his duties as a member of such Committee shall end.

Sec. 3. Such Committee, or the majority of the membership thereof, shall appoint an investigator of all custodians of public funds, disbursing agents, and personnel of departments, the title of such officer to be State Auditor. The appoint-

ment shall be made during the period from February 1st to February 15th of each odd numbered year and the person so appointed State Auditor shall hold the office at the will of the Legislative Audit Committee for a term of not more than two (2) years and until his successor is appointed and qualifies; provided, however, that immediately upon the effective date of this Act, such Committee shall appoint an auditor for the period expiring in February, 1943. Such Auditor shall be a Certified Public Accountant of Texas.

Sec. 4. The person appointed State Auditor shall have had at least five (5) years experience as a Certified Public Accountant immediately preceding his appointment and he shall be a man of unquestioned integrity and moral character and who has had sufficient experience in business and finance to properly discharge the functions of the office. He shall have been a citizen and resident of Texas for at least five (5) years immediately preceding his appointment. He shall qualify by taking the Constitutional oath of office and executing a bond to be approved by the appointing power, payable to the Governor of the State of Texas and his successors in office, in the sum of Twenty-five Thousand (\$25,000) Dollars, conditioned upon the faithful discharge of the duties of his office, with a solvent surety company as surety. The premium due the surety company for the execution of such bond shall be paid by the State.

Sec. 5. The Legislative Audit Committee, or a majority of the membership thereof, shall execute a written appointment of the person so appointed as such State Auditor and cause the same to be filed in the office of the Secretary of State. The person so appointed to such office, within ten (10) days after his appointment, shall file in the office of the Secretary of State his oath and approved bond, and if he shall fail to do so, the Committee, or a majority of the membership thereof, shall appoint some other qualified person to fill such office. All vacancies in the office of State Auditor shall be filled by the Committee or a majority of the membership thereof.

Sec. 6. The State Auditor is hereby granted the authority and it shall be his duty:

(1) To perform an audit of all accounts, books and other financial records of the State Government or any officer of the State, department, board, bureau, institution, commission or agency thereof and to prepare a written report or reports of such audit or audits to the Legislative Audit Committee and such other person or persons hereafter designated in this bill.

(2) To personally or by his duly authorized assistants, examine and audit all fiscal books, records and accounts of all custodians of public funds, and of all disbursing officers of this State, making independent verifications of all assets, liabilities, revenues and expenditures of the State, its departments, boards, bureaus, institutions, commissions or agencies thereof now in existence or hereafter created.

(3) To require such changes in the accounting system or systems and record or records of any office, department, board, bureau, institutions, commission, or State agency that in his opinion will augment or provide a uniform, adequate, and efficient system of records and accounting.

(4) To work with the executive officers of any and all State offices, departments, boards, bureaus, institutions, commissions or agencies thereof hereafter created in outlining and installing a uniform, adequate and efficient system of records and accounting.

(5) To require the aid and assistance of all executives and officials, auditors, accountants and other employees of each and every department, board, bureau, institution, commission or agency of the State at all times in the inspection, examination and audit of any and all books, accounts and records of the several departments.

The State Auditor shall have access at all times to all of the books, accounts, reports, confidential or otherwise, vouchers, or other records of information in any State office, department, board, bureau, or institution of this State.

In making any changes, the State Auditor shall take into consideration the present system of such books,

records, accounts and reports in order that the transition may be gradual. The past and present records shall be coordinated into the new system. It is the object and purpose of this Act, among other things, to install a unified and coordinated system of accounting and records in every department, bureau, board, and institution of the State Government.

The State Auditor shall also perform such other duties as may be required of the State Auditor or State Auditor and Efficiency Expert by any other existing law or laws of this State.

Sec. 7. In addition to the other duties provided for the State Auditor, he shall thoroughly examine all departments of the State Government with special regard to their activities and the duplication of efforts between departments and the quality of service being rendered by subordinate employees in each of the several departments.

Upon completing the examination of any department, he shall furnish the head thereof with a report of, among other things, (a) the efficiency of the subordinate employees; (b) the status and condition of all public funds in charge of such department; (c) the amount of duplication between work done by the departments so examined and other departments of the State Government; (d) the expense of operation of the department; (e) breaches of trust and duty, if any, by any officer, department, institution, board, bureau, or other custodian or disbursement of public funds; (f) any suggested changes looking toward economy and reduction of number of clerical and other employees and the elimination of duplication and inefficiency. Copies of each report shall be filed with the Governor, the Lieutenant-Governor, the Speaker of the House of Representatives, the Secretary of State, and each member of the Legislature.

The State Auditor shall file an annual report with the Governor, copies of such report shall be filed with the Speaker of the House, the Lieutenant-Governor and in the office of the Secretary of Texas. Such annual report shall contain, among other things, copies of, or the substance of reports made to the various

departments, bureaus, institutions, and boards, as well as a summary of changes made in the system of accounts and records thereof.

Reports shall also contain specific recommendations to the Legislature for the amendment of existing laws or the passage of new laws designed to improve the functioning of various departments, boards, bureaus, institutions or agencies of the State Government to the end that more efficient service may be rendered and the cost of government reduced.

All recommendations submitted by the State Auditor shall be confined to those matters properly coming within his jurisdiction, which is to see that the laws passed by the Legislature dealing with the expenditure of public moneys are in all respects carefully observed, and that the attention of the Legislature is directed to all cases of violation of the law and to those instances where there is need for change of existing laws or the passage of new laws to secure the efficient spending of public funds. The State Auditor shall not include in his recommendations to the Legislature any recommendations as to the sources from which taxes shall be raised to meet the governmental expense.

All reports by the State Auditor shall call attention to any funds, which, in his opinion, have not been expended in accordance with law, or appropriations by the Legislature; and shall make recommendations to the Legislature as to the manner or form of appropriations, which will avoid any such improper expenditure of money in the future.

Each of the audits herein provided for shall be made and concluded as directed by the Legislative Audit Committee, but shall be concluded and reports thereof made not later than thirty (30) days before the convening of each Regular Session of the Legislature. The Committee shall direct the Auditor to make any special audit of investigation that in its judgment is proper or necessary to carry out the purpose of this Act or to assist the Legislature in the proper discharge of its duties.

The Committee shall direct the printing or mimeographing of such number of any reports as it thinks necessary and proper.

All reports filed by the Secretary of State shall be open to public inspection.

Sec. 8. The State Auditor shall keep, or cause to be kept, a complete, accurate and adequate set of fiscal transactions of the State Auditor's office. He shall also keep a complete file of copies of all audit reports, examinations, investigations, and any and all other reports or releases issued by him or his office, and a complete file of audit work papers and other evidences pertaining to work of the office of State Auditor.

Sec. 9. If the State Auditor finds in the course of his audit, evidence of improper practices of financial administration or of any general incompetency of personnel, inadequacy of fiscal records, he shall report same to the Governor, the Legislative Audit Committee, and the Executive Department head or heads immediately. If the State Auditor shall find evidence of illegal transactions, he shall forthwith report such transactions to the Governor, the Legislative Audit Committee, the Attorney General and the department heads.

Immediately upon receipt of a report from the State Auditor of incompetency of personnel and inadequacy of fiscal records, the Legislative Audit Committee shall review the State Auditor's report of same and hold hearings with the department head or heads concerning such incompetency and inadequacy of fiscal records. The Legislative Audit Committee, after holding such hearings, shall make a report to the department head or heads requesting the removal or replacement of the incompetent personnel or the installation of the necessary fiscal records. The Legislative Audit Committee shall report to the Legislature any refusal of the department officials to remedy such incompetency or the installation of proper fiscal records.

Sec. 10. The State Auditor shall devote his entire time to the discharge of the duties herein imposed upon him, shall maintain his office in the Capitol, and the Board of Control is directed to furnish suitable quarters, supplies and stationery for him and his assistants and employees. The State Auditor shall receive for his services the sum of Seven Thousand Five Hundred

(\$7,500) Dollars per annum and the necessary traveling expenses, payable monthly in the manner as other State officers are paid. All vouchers issued in the payment of salary and expenses to the State Auditor shall be approved by the Chairman of the Legislative Audit Committee before they are paid; and all vouchers issued for the payment of salaries of assistant auditors and for stenographic and clerical help, as well as all vouchers issued in the payment of other expenses incurred in the operation of the office of the State Auditor shall be approved by the State Auditor before they are paid. Traveling expenses for all employees in the State Auditor's office when engaged on official business shall be paid to the extent authorized in the appropriation bill for the State Auditor's office. The Legislative Audit Committee, or a majority of the members of the Committee, shall fix and determine the number of and the amount of salary to be paid each assistant auditor and all stenographic and clerical assistants within the limits of the appropriation therefor. Such salaries and compensation shall be paid monthly. The salary of no assistant auditor shall exceed the sum of Four Thousand Two Hundred (\$4,200) Dollars per annum, except the First Assistant, whose salary shall not exceed Six Thousand (\$6,000) Dollars per annum. The First Assistant State Auditor shall perform such duties and assignments as the State Auditor may prescribe and shall act as State Auditor in the absence of the State Auditor. All such assistant auditors and stenographic and clerical assistants shall be named and appointed by the State Auditor. No person shall be appointed as an assistant auditor unless he be a Certified Public Accountant. The salaries paid shall in no event exceed the amounts paid in other departments for similar services.

Sec. 11. The State Auditor shall be free to select the most efficient personnel available for each and every position in his office, to the end that he may render to the members of the Legislature that service which they have a right to expect. It being the intention and desire of the Legislature to free the State Auditor and his staff from partisan politics, it is hereby declared to be against



public policy and unlawful for any member of the Legislature or any official or employee of the State Government or any board, bureau, department or institution thereof to recommend or suggest the appointment of any person to a position on the staff of the State Auditor. The State Auditor is hereby authorized to conduct such professional examinations as he may deem expedient in determining the qualifications of the persons whom he contemplates placing on his staff.

Sec. 12. The State Auditor may be removed or discharged at any time by the Legislative Audit Committee, or a majority of the members thereof, and such office of position filled by appointment, the same as though a vacancy existed in such office. The State Auditor may remove or discharge any assistant auditor or any stenographic or clerical assistants at any time.

Sec. 13. The State Auditor shall not serve in any ex-officio capacity, on any administrative board or commission or have any financial interest in the transactions of any department, board, bureau, institution, commission or agency of the State.

Sec. 14. Wherever the word "department," "board," "bureau," "institution," "commission," or other word or words of similar import appear in this Act, such shall mean every department, board, bureau, institution, commission or agency of the State Government.

Sec. 15. That Chapter 206, same being House Bill No. 768, Acts of the Regular Session, Forty-second Legislature, be and the same is hereby repealed.

Sec. 16. The Governor shall be the chief budget officer of the State. He shall appoint a "Director of the Budget." The Director of the Budget shall be a certified public accountant and shall have had at least five (5) years experience in the practice of such profession, and, in addition, he must have had substantial experience in the field of business of a nature to qualify him to perform the duties of said office. The Director of the Budget shall serve at the will of the Governor for a term not to exceed two (2) years, such term to begin the first day of February of the year when the biennial session of the Legislature convenes. Provided, how-

ever, that the term of office of the first Director of the Budget appointed hereunder shall be for a period ending February 1, 1943. Such Director of the Budget shall hold office until his successor is duly appointed and qualified. The Director of the Budget shall be the agent of the Governor in carrying out the Governor's responsibility as the chief budget officer of the State, and he shall perform his duties under the immediate direction of the Governor. The Director of the Budget may be removed by the Governor at any time, and his successor appointed by the Governor. The Director of the Budget shall receive a salary of Seven Thousand Five Hundred (\$7,500) Dollars per annum.

Sec. 17. The Director of the Budget, with the approval of the Governor, shall (1) select and appoint such assistants and clerical help as may be necessary to carry out the provisions of this Act; (2) fix the duties of such assistants and clerical help, and direct the performance thereof; and (3) fix the compensation of such assistants and clerical help in conformity with legislative appropriations therefor.

Sec. 18. In addition to all other duties assigned to the Director of the Budget, it shall be his duty to establish and maintain an expenditure control over all public funds of this State, designed to accomplish the following purposes: (1) to prevent departments, boards, bureaus, and agencies of the State Government from making any expenditure not authorized by legislative appropriation and thereby creating a deficit in the Appropriation Account; (2) to require quarterly estimates of public expenditure needs, the purpose of such estimates being to prevent expenditures in excess of legislative appropriations and to effect economies in expenditures where possible; (3) to set up a system which will require that employees in the various departments, boards, bureaus, and agencies of the State Government engaged in current auditing of bills and accounts, perform such services in such manner that no public funds will be expended without proper authorization in law; and the heads of all boards, bureaus, departments and agencies

of the State Government are directed to cooperate with the Director of the Budget in establishing such system of audit control; (4) to accomplish such other purposes as will tend to provide more efficient public service at less cost.

It is not the intention of this section to give to the Director of the Budget the power to appoint or have administrative control over the auditors in the various departments, boards, bureaus, and agencies of the State Government, but it is the intention of this section to direct and require the various heads of all such departments, boards, bureaus and agencies to extend to and give the Director of the Budget full and complete cooperation, to the end that he may fully and adequately perform the duties and responsibilities of his office.

Sec. 19. The head of each department, school, institution, and of the prison system, and the head of any of the divisions or departments of government for which appropriations are made by the Legislature, shall submit to the Director of the Budget, not later than June 1 of each year preceding the regular biennial session of the Legislature, an itemized account of all items of expense for the preceding two (2) fiscal years, and an estimate of the appropriations required by such department, school or institution or by the prison system for the regular biennial appropriation made by the Legislature, which estimate shall be submitted itemized in such manner as the Governor may require.

Sec. 20. Appropriations for the office of State Auditor shall not be included in the budget which the Governor submits to the Legislature nor shall appropriations for the office of State Auditor be included in the general departmental bill, but the Legislative Audit Committee shall prepare and submit to each biennial session of the Legislature a separate bill recommending such appropriations as in the judgment of the Legislative Audit Committee should be made for the maintenance and operation of the office of the State Auditor.

Sec. 21. The Director of the Budget shall inspect the properties, equipment, and facilities of the

various agencies of the government for which appropriations are to be made, either before or after such estimates are submitted, and consider the same and give hearings on said estimates to those who have submitted the same, and he shall obtain information from every available source including the reports from his auditors and examiners. After such hearings, the Director of the Budget shall make up an appropriation budget. The Director of the Budget shall so prepare the budget as to show the expenditures on the same lines with the appropriated amounts for the respective items, and in such form and with such other itemization as the Governor may prescribe. The list of appropriations shall be shown for the three (3) years preceding the years for which appropriations are sought and recommended for the ensuing biennium, and the expenditures shall be shown for the first two (2) of the last above mentioned years. The budget shall also show the amounts requested by the various agencies of the government and the amounts recommended by the Director of the Budget for each of the years of the ensuing biennium. When a newly elected Governor, other than the then Governor, is to be inaugurated, the Governor-elect shall have the right on or after November 10 to sit with the Director of the Budget on any and all budget hearings and in such cases the Director of the Budget shall prepare the budget and the five (5) budget bills in such manner as the Governor-elect shall direct, and this work shall always be completed before the regular biennial session of the Legislature convenes. All hearings held by the Director of the Budget while considering the budget for the various departments, institutions and agencies of the State Government shall be open to the public.

Sec. 22. The Director of the Budget is hereby authorized and directed to prepare all forms and blanks upon which requests for appropriations from the Legislature shall be prepared; provided, that before such forms and plans are put into use they must be approved by the Governor; and provided, further, that when so approved, the

Director of the Budget shall furnish the proper forms to all those divisions, departments, officers, boards, commissions and agencies of every character of the State Government which are seeking appropriations from the Legislature; and the Director of the Budget shall require that all requests for appropriations be submitted on such approved forms.

Sec. 23. On or before the 1st day of September of the year immediately preceding the regular biennial session of the Legislature, the State Auditor shall secure, compile and submit to the Governor a report containing the following information:

(1) An itemized, complete financial balance sheet for the State at the close of the preceding fiscal year.

(2) An estimate of the maximum amount of revenue which may become available for appropriation by the Legislature during the ensuing biennium for which appropriations are to be made, the purpose of said statement from the State Auditor being to place in the hands of the Governor the maximum amount of revenue which the State could collect during each of the ensuing appropriation years, from all sources, under existing tax laws.

(3) The State Auditor and the heads of any other agencies of government, shall also furnish to the Governor such other information as the Governor may request.

(4) All agencies of the Government for which appropriations are made, shall keep their records in such manner that immediately upon the close of the fiscal year they can list the amounts of all the contracts for purchases which they have made, but which remain unpaid at the close of the fiscal year; and such agencies shall accurately list in the expenditure columns of the budget sheets supplied them, the combined total of their expenditures and the amounts of these unpaid purchase contracts of each of the items for which appropriations were made.

Sec. 24. Within five (5) days after the beginning of each regular session of the Texas Legislature, the Governor shall transmit to all members of the Legislature printed copies of the budget, provided that when a

newly elected Governor, other than the then Governor, is to be inaugurated, he shall transmit such budget within five (5) days from the date he is inaugurated, and the Appropriations Committee in the House and the Finance Committee in the Senate may, if they so desire, begin preliminary committee hearings on the budget without waiting for the submission of the budget bills.

Sec. 25. Within thirty (30) days after the beginning of each regular session of the Texas Legislature, the Governor shall prepare and submit copies of budget bills of appropriation to the Speaker of the House of Representatives and to the Lieutenant-Governor, provided that in years when a newly elected Governor other than the then Governor is to be inaugurated the budget bill of appropriations shall be prepared by the incoming Governor and shall be transmitted to the Legislature within twenty (20) days from the date he takes the oath of office. In carrying out the provisions of this section the Governor shall submit to the Legislature five (5) separate budget bills as follows:

(a) Eleemosynary appropriation bill which shall include all appropriations which the Governor desires to recommend for the eleemosynary institutions of the State for the ensuing biennium.

(b) Departmental appropriation bill, which shall include all appropriations which the Governor desires to recommend for all departments of the State Government for ensuing biennium.

(c) Educational appropriation bill which shall include all appropriations for all educational institutions of the State which the Governor desires to recommend for the ensuing biennium.

(d) Judiciary appropriation bill which shall include all appropriations which the Governor desires to recommend for the judiciary for the ensuing biennium.

(e) Deficiency and emergency appropriation bill which bill shall include all appropriations which the Governor desires to recommend that the Legislature make as emergency and deficiency appropriations.

In preparing the above referred to appropriation bills, the Governor shall itemize all appropriations in-

cluded in said bills in the same manner as provided for in the budget.

All of said budget bills referred to above shall be transmitted to the Legislature at the same time, and when so transmitted the Governor shall accompany these bills with a special budget message, which message shall show the current assets, liabilities, surplus or deficit of the State at the close of the last preceding fiscal year, as well as the total amount of money which may reasonably be expected to be available from all sources under existing tax laws to meet legislative appropriations during the current year and the ensuing biennium. The above referred to message from the Governor and the budget bills shall be printed in full in the journal of the House and the Senate.

Upon receipt of the budget bills from the Governor, the Lieutenant-Governor in the Senate and the Speaker in the House of Representatives may, if they so desire, cause such bill to be introduced in the Senate and in the House of Representatives; or the budget bills may be introduced by any member of the House or Senate, and a hearing on the budget bills shall be conducted before the Appropriations Committee of the House and the Finance Committee of the Senate. All heads of departments, commissions, institutions, or other agencies of the government requesting appropriations, shall have a right to appear before either of these committees in behalf of the appropriation requested. Likewise any taxpayer in the State shall have the right to be present and to be heard at the hearing on any proposed appropriation.

Sec. 26. The budget and budget bills so to be prepared and submitted by the Governor shall not have included therein any appropriations for the per diem and mileage of the members of the Legislature, nor the necessary expenses of the Legislature, and nothing herein contained shall affect any such appropriations.

Sec. 27. Wherever in this Act duties are assigned to the Governor as the chief budget officer of this State, such duties may by direction of the Governor be assigned to and performed by the Director of the Budget as his representative; and wherever in this Act duties are as-

signed to the Director of the Budget, it is the intention of the Legislature that in the performance of such duties the Director of the Budget shall act under the immediate direction of the Governor as the chief budget officer of this State.

Sec. 28. The County Judge shall serve as budget officer for the Commissioners' Court in each county, and during the month of July of each year, he, assisted by the County Auditor or by the County Clerk, shall prepare a budget to cover all proposed expenditures of the county government for the succeeding year. Such budget shall be carefully itemized so as to make as clear a comparison as practicable between expenditures included in the proposed budget and actual expenditures for the same or similar purposes for the preceding year. The budget must also be so prepared as to show as definitely as possible each of the various projects for which appropriations are set up in the budget, and the estimated amount of money carried in the budget for each of such projects. The budget shall also contain a complete financial statement of the county, showing all outstanding obligations of the county, the cash on hand to the credit of each and every fund of the county government, the funds received from all sources during the previous year, the funds available from all sources during the ensuing year, the estimated revenues available to cover the proposed budget and the estimated rate of tax which will be required.

Sec. 29. When the County Judge has completed the budget for the county, a copy of it shall be filed with the clerk of the County Court, and it shall be available for the inspection of any taxpayer.

Sec. 30. The Commissioners' Court in each county shall each year provide for a public hearing on the county budget, which hearing shall take place on some date to be named by the Commissioners' Court subsequent to August 15th and prior to the levy of taxes by said Commissioners' Court. Public notice shall be given that on said date of hearing the budget as prepared by the County Judge will be considered by the Commissioners' Court. Said notice shall name the hour, the date

and the place where the hearing shall be conducted. Any taxpayer of such county shall have the right to be present and participate in said hearing. At the conclusion of the hearing, the budget as prepared by the County Judge shall be acted upon by the Commissioners' Court. The Court shall have authority to make such changes in the budget as in their judgment the law warrants and the interest of the taxpayers demands. When the budget has been finally approved by the Commissioners' Court, the budget, as approved by the Court, shall be filed with the Clerk of the County Court and taxes levied only in accordance therewith, and no expenditure of the funds of the county shall thereafter be made except in strict compliance with the budget as adopted by the Court.

The County Judge shall within twenty (20) days after the adoption of the county budget, file with the State Auditor at Austin, Texas, a true and correct copy of the adopted budget.

Sec. 31. In the preparation of the budget, the County Judge shall have authority to require any officer of the county to furnish such information as may be necessary for the County Judge to have in order that the budget covering the expenditures of the county may be properly prepared.

Sec. 32. The Mayor of every incorporated city, town or village shall serve as the budget officer for the Board of Commissioners or Council of such city, town or village, except that any such city or town as shall have a City Manager form of government, the City Manager shall serve as the budget officer. Such Mayor or City Manager shall prepare each year a budget to cover all proposed expenditures of the government of said city or town for the succeeding year. Such budget shall be carefully itemized so as to make as clear a comparison as practicable between expenditures included in the proposed budget and actual expenditures for the same or similar purposes for the preceding year. The budget must also be so prepared as to show as definitely as possible each of the various projects for which appropriations are set up in

the budget, and the estimated amount of money carried in the budget for each of such projects. The budget shall also contain a complete financial statement of the city, town, or village, showing all outstanding obligations of such city, town or village, the cash on hand to the credit of each and every fund, the funds received from all sources during the ensuing year, the estimated revenue available to cover the proposed budget, and the estimated rate of tax which will be required.

If a city or town in this State has already set up in its charter definite requirements which provide for the preparation each year of a budget of all expenditures of said city and a public hearing on said budget, then the charter provisions of said city as to the time of public hearings and the method of preparation of the budget shall govern, provided that when said budget has been finally prepared and approved, that a copy of said budget, together with all amendments thereto, shall within twenty (20) days be filed with the County Clerk and with the State Auditor at Austin, Texas, the same as this Act requires other budgets to be filed.

Sec. 33. Said budget so to be prepared by such Mayor or City Manager shall be filed with the Clerk of such city, town or village not less than thirty (30) days prior to the time the Board of Commissioners or Council of such city, town or village makes its tax levy for the current fiscal year, and such budget shall be available for the inspection of any taxpayer.

Sec. 34. The Board of Commissioners or Council of every such city, town or village, shall each year provide for a public hearing on such budget, which hearing shall take place on some date to be fixed by such Board of Commissioners or Council, not less than fifteen (15) days subsequent to the time such budget is filed as provided in Section 33 hereof, and prior to the time said Board of Commissioners or Council of such city, town or village makes its tax levy. Public notice of the hour, date and place of such hearing shall be given, or caused to be given by such Board of

Commissioners or Council, and any taxpayer of such city, town or village shall have the right to be present and participate in such hearing. At the conclusion of such hearing, the budget as prepared by the Mayor or City Manager shall be acted upon by the said Board of Commissioners or Council. The Board of Commissioners or Council shall have the authority to make such changes in the budget as in their judgment the law warrants and the best interests of the taxpayers of such city, town or village demands. When the budget has been finally approved by such Board of Commissioners or Council, the budget as so approved shall be filed with the Clerk of such city, town or village and taxes levied only in accordance therewith, and no expenditure of the funds of such city, town or village shall thereafter be made except in strict compliance with such adopted budget. Within twenty (20) days after the adoption of said budget or any amendment thereto, the Mayor or City Manager, as the case may be, shall file or cause to be filed, a true copy of said approved budget, and all amendments thereto, in the office of the County Clerk of the County in which said municipality is situated and with the State Auditor at Austin.

Sec. 35. In the preparation of the budget the Mayor or City Manager shall have authority to require any officer or board of such city, town or village to furnish such information as may be necessary for the Mayor or City Manager to have in order that the budget covering the expenditures of such city, town or village may be properly prepared.

Sec. 36. The President of the Board of School Trustees in each independent school district, is hereby expressly designated as the budget officer of such district. As soon as the Treasurer or other officer of such school district receives notice of the State apportionment of public school funds to said district, and not later than August 20th, the President of such school board of trustees shall prepare a budget covering all proposed expenditures for the current fiscal year, itemized in detail according to purpose of ex-

penditure. When such budget is prepared, a meeting of such board of trustees shall be called for the purpose of adopting a budget, and five (5) days public notice of said meeting shall be given. Any taxpayer of the district may be present and participate in the hearing. It shall be the duty of said board of trustees at said meeting to adopt a budget to cover all expenditures for said independent school district for the current fiscal year. When so adopted it shall be the duty of the President of the board of trustees within twenty (20) days to file a copy of said budget in the office of the County Clerk of the county or counties in which said district is situated and with the State Superintendent of Public Education and with the State Auditor at Austin. No public funds of said independent school district shall be expended in any manner other than as provided for in the budget adopted by the said board, except that the said board of trustees of such independent school district shall have authority to adopt a supplementary emergency budget to cover necessary unforeseen expenses of the district; and when so adopted, copies of any and all supplemental budgets shall within twenty (20) days be filed with the County Clerk of the county or counties, in which said district is situated, and with the State Superintendent of Public Instruction and with the State Auditor at Austin. In the preparation of the budget, the President of such board of trustees shall be authorized to designate, if he so desires, the superintendent of schools of the district, or any other member of the Board as a deputy budget officer of the district to assist him in the preparation of said budget.

Sec. 37. The County Superintendent of Schools is hereby designated as the budget officer for each common school district of such county. Immediately after the County Superintendent receives notice of the apportionment made by the State Board of Education to the common school districts of the county, he shall prepare a budget to cover all common school districts of the county and all independent school districts of less than five

hundred (500) scholastic population, which budget must be itemized in detail according to the purpose of expenditure, and must cover insofar as possible all expenditures proposed for the current year. When so prepared, the budget shall be submitted to the County Board of Trustees and when so approved by such Board of Trustees, and by the County Superintendent, it shall be filed in the office of the County Superintendent, and within twenty (20) days a copy shall be sent to the State Superintendent of Public Instruction and to the State Auditor, and no expenditure shall be made in the school districts except as provided for in the budget, except it be in the case of unforeseen emergency; and in each such instance, a supplemental budget may be approved in the same manner as the original budget and a copy of the supplemental budget filed with the original budget and the State Superintendent of Public Instruction and the State Auditor. At any time during the process of the preparation of the budget any taxpayer shall have the right to file with the County Superintendent or with the board of trustees any statement or protest which he may desire to file, concerning any item of expenditure proposed for the current year; and such statement or protest shall be given due consideration by the County Superintendent, or by the Board of trustees in their final action upon the adoption of the budget.

Sec. 38. Nothing in this Act shall be construed as precluding the Legislature from making changes in the State budget if the Legislature desires to eliminate, increase or decrease appropriations.

Sec. 39. The Comptroller of Public Accounts shall prescribe and furnish all counties of this State forms upon which county budgets shall be prepared. In carrying out this provision of law, the State Comptroller may, if he deems it advisable, prescribe different forms for counties of different size; provided that in the preparation of such forms they shall be uniform as to counties within a given population bracket, the purpose being to make it possible to compare operating

costs for the same service in counties of similar population. This section of the law shall be effective as covering all county budgets beginning in the year 1942.

Sec. 40. Supplemental budgets may be adopted by Commissioners' Courts and by governing boards of cities and towns and villages under the following limitations:

(1) In case of grave emergency which threatens immediate and substantial loss of property or which imperils life or health, the Commissioners' Court of the county or the governing board of a city, town or village may by an order entered on the record books of such Commissioners' Court or on the record books of such city, town or village adopt a supplemental budget provided this order shall specify definitely the particular emergency the supplemental budget is designed to meet, and the supplemental budget together with a copy of the order of the Commissioners' Court or the order of the governing board of the city or village, shall be signed by the County Judge and by a majority of the members of the Commissioners' Court, or if it be a city or village, by the City Manager or Mayor and by a majority of the members of the governing board of such city or village, and copy of said order shall be immediately filed with the County Clerk and a copy shall be mailed to the State Auditor at Austin, in each case to be attached to the original budget. When this has been done and not before, the Commissioners' Court or the governing board of such city or village shall be authorized to proceed to make expenditures in accordance with the supplemental adopted budget.

(2) In case of emergencies not within the classification above referred to, brought about by unforeseen conditions which could not by reasonable diligence have had attention at the time the original budget was adopted, the Commissioners' Court or the governing board of such city or village shall be authorized to prepare a supplemental budget to cover such emergency and in such cases when the supplemental budget has been prepared, a statement explaining in detail the necessity for the adoption of such supplemental budget shall be prepared by the Com-

missioners' Court or the governing board of the city or village, signed by the County Judge and by a majority of the members of the Court, or in case of a city or village, signed by the City Manager or Mayor and a majority of the members of the governing board of such city or village, and such statement shall be published once each week for four successive weeks in a newspaper of general circulation in the county or city, and such notice shall specify a date when a public hearing will be held by the Commissioners' Court or by the governing board of the city or village, on the proposal to so amend the budget. After the public hearing and after considering the statement of taxpayers concerning the proposed change, the Commissioners' Court or the governing board of the city or village may adopt such amendment to the original budget, and when so adopted a copy shall be attached to the original budget, a copy filed with the County Clerk, and a copy filed with the State Auditor at Austin, when this has been done and not before, expenditures may be made in accordance with such amended budget. The willful failure of the governing board of any county or city to abide by all of the provisions of the budget law shall invalidate the tax levy for the year when such governing board of said county or city fails to observe in good faith the provisions of this Act.

Sec. 41. Any officer, employee or official of the State of Texas, or of the County government, or of the City government, or of any school district, who shall refuse to permit the examination or access to the books, accounts, reports, vouchers, papers, documents or cash drawer or cash of his office, department institution board or bureau by the State Auditor, or who shall refuse or fail to comply with the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1000), or be imprisoned in the county jail for not less than one month, nor more than twelve months, or shall be punished by both such fine and imprisonment.

Sec. 42. All laws and parts of laws in conflict herewith are hereby

expressly repealed; and if any section of this Act shall be declared invalid the remaining parts of the law shall not be affected thereby.

Sec. 43. The fact that there is no adequate law requiring a continuous audit of large expenditures of public funds under the authority of an agency responsible to the Legislature of this State, and the fact that the State does not now have an effective budget law and the further fact that such law is urgently needed to conserve tax funds of the State, the County and various cities, towns and school districts, creates an emergency and an imperative public necessity that the Constitutional Rule, requiring that bills be read on three several days in each House, and the further Constitutional Rule as to the time when laws take effect, be suspended, and each of them is hereby suspended, and this Act shall take effect and be in full force and effect from and after its passage, and it is so enacted.

H. B. No. —.

A BILL

To Be Entitled

An Act abolishing fixed terms of office for State officers appointed by the Governor, except in those instances where the term of office is prescribed by the Constitution, and providing that State officers heretofore or hereafter appointed by the Governor shall hold their offices during the pleasure of the Governor; and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. Fixed terms of office for State officers appointed by the Governor are hereby abolished, except in those instances where the term of office is prescribed by the Constitution.

Sec. 2. Every person heretofore or hereafter appointed by the Governor to a State office, the term for which is not prescribed by the Constitution, shall hold such office during the pleasure of the Governor, but in no event for a period of time longer than that now or hereafter provided by law.



Sec. 3. All laws and parts of laws in conflict herewith are expressly repealed.

Sec. 4. The fact that no adequate provision is made by law to enable the Governor of Texas to carry out the duty imposed upon him by the Constitution to see that the laws of the State are faithfully executed, and that provision for removal by the Governor of State officers appointed by him will afford a means for discharging his constitutional duty, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after passage, and it is so enacted.

H. J. R. No. —.

#### HOUSE JOINT RESOLUTION

Proposing an amendment to the Constitution of the State of Texas to be known as Section 14a of Article IV; providing that unless there shall be attached to each bill appropriating money when presented to the Governor, a certificate under oath executed by the Comptroller of Public Accounts stating that, in the opinion of the Comptroller, the cash from the current revenues of the State not otherwise appropriated will be adequate and available to pay the sums appropriated when due, such bill shall not become a law.

Be It Resolved by the Legislature of the State of Texas:

Section 1. That the Constitution of the State of Texas be amended by adding thereto a new section to Article IV to be known as Section 14a, which shall read as follows:

"Section 14a. Unless there shall be attached to each bill appropriating money, when presented to the Governor, a certificate under oath executed by the Comptroller of Public Accounts stating that, in the opinion of the Comptroller, the cash from the current revenues of the State not otherwise appropriated will be adequate and available to pay

the sums appropriated when due, such bill shall not become a law."

Sec. 2. Such proposed constitutional amendment shall be submitted to a vote of the qualified electors of the State of Texas at the General Election to be held throughout the State of Texas on the first Tuesday in November, 1942, at which election all voters favoring said proposed amendment shall write or have printed on their ballot the words:

"For amendment to the Constitution of the State of Texas requiring a certificate by Comptroller that cash from current revenues of the State not otherwise appropriated will be adequate and available to pay sums appropriated when due, to be attached to every bill appropriating money."

and those opposed shall write or have printed on their ballot the words:

"Against amendment to the Constitution of the State of Texas requiring certificate by Comptroller that cash from current revenues of the State not otherwise appropriated will be adequate and available to pay sums appropriated when due, to be attached to every bill appropriating money."

Sec. 3. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said election and have the same published as required by the Constitution and the laws of the State. The expense of publication and election for such amendment shall be paid out of proper appropriation made by law.

H. B. No. —

#### A BILL

##### To Be Entitled

An Act declaring the purpose of the Legislature in matters affecting the collection of State taxes, fees and other moneys, establishing a centralized tax administration in the office of the State Comptroller of Public Accounts; requiring all state officers, departments, boards, bureaus, commissions, institutions,

and their agents who are authorized to collect State taxes, fees and other moneys, to use the forms in collecting and reporting collection of taxes, fees, etc., prepared and prescribed by the State Comptroller; empowering the State Comptroller to prepare and prescribe all forms to be used in the collection, reporting and accounting for State taxes, fees, and other moneys collected; giving to the State Comptroller supervision of the collection of all State taxes, fees and other moneys; requiring all State officers, agents, etc., collecting State taxes, fees, etc., to report to the Comptroller; requiring certain facts and information to be included in the reports to the State Comptroller; requiring payments of State taxes, fees, and other moneys made by check, draft, etc., to be made payable to the State Treasurer; providing for the issuance of receipts in certain cases; creating a State Revenue Tax Stamp Board; defining the powers of the State Revenue Tax Stamp Board; defining the powers of the State Comptroller in designing, printing, and engraving Texas State revenue tax stamps; providing for the sale of State revenue tax stamps; establishing in the office of State Treasury a simplified system of accounts by abolishing certain special funds and providing for a system of classified funds; requiring accounts in lieu of special funds; establishing a general tax fund and requiring all moneys in existing special funds to be placed in the General Fund; providing penalties for violation of this Act; fixing the date on which this Act shall become effective; making an appropriation of Ten Thousand (\$10,000) Dollars; repealing all laws and parts of laws in conflict with this Act; and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. Short Title. This Act may be cited as the State Tax Administration Act of Texas.

Sec. 2. Declaration of Purpose. It is the declared purpose of the Legislature in enacting this Legislation, and it is hereby so declared, to organize and establish in the executive

branch of the State Government a centralized tax administration, to the end that waste of State revenues may be prevented, that taxpayers may be relieved of unnecessary inconvenience, and that efficiency and economy may be affected. It is further declared to be the purpose of the Legislature to give effect to the clear intent of the Constitution of the State in establishing the office of State Comptroller of Public Accounts to place in the said office the power to supervise the collection of all taxes and fees and the reporting and accounting of such taxes and fees and other moneys which accrue to the State under the provisions of any existing law or laws; to empower the State Comptroller, through his agents and representatives, to collect all taxes and fees authorized to be collected by the State, except the taxes and fees authorized under existing laws to be collected by county tax collectors and except the fees authorized to be collected by the State educational institutions and incidental fees collected by the eleemosynary and penal institutions of the State; and to authorize and require the said Comptroller to set up in his office complete records of State revenue collections from each and every source and records of all other moneys accruing to the State under any law or laws enacted by the Legislature, to the end that complete data of each and every revenue and non-revenue source may be available to the Legislature and citizens of this State in a single office of the State Government, that the Legislature may be in a position to make appropriations upon the basis of intelligent information, and that the State will receive full benefit of revenues and other moneys which, under existing or future laws, the State is entitled to receive. It is further declared to be the purpose of the Legislature in enacting this legislation to establish in the office of State Treasurer a simplified system of accounts by abolishing numerous special funds now maintained under existing statutes, and in lieu thereof to provide separate funds only in the cases where the Constitution specifically provides for such funds, where the State bond issues make necessary separate funds, where en-

dowments have been established, where the Treasurer acts as paying agent for local units of government, and where the Federal statutes require separate funds to be maintained in order that grants from the Federal Government may be received.

Sec. 3. Forms. The Comptroller shall prescribe and prepare the forms to be used by State officers, departments, agencies, and institutions and their agents in collecting, reporting, and remitting State taxes, fees, funds, revenues and all other moneys. Such forms shall be prepared in sufficient number of duplicates to enable officers, departments, agencies, and institutions and their agents who by law are authorized to collect, receive or account for any State taxes, fees, funds, revenues or other moneys, to keep and preserve an accurate record of such transactions, and to enable the Comptroller to establish and maintain a current record of all moneys collected and received for the State from all sources. The Comptroller shall have authority, and he is hereby authorized, to approve any of the forms to account for State taxes, fees, funds, revenues and other moneys in use in any State office or institution at the time this Act becomes effective and he shall have authority to change, modify or discard such forms and prescribe other forms when in his judgment such changes will provide more accurate records, or will simplify the procedure of collecting and accounting for State revenues and funds.

Sec. 4. Preparation of Forms. The Comptroller shall have authority, and here is hereby authorized, to select and appoint a certified public accountant who has had at least five (5) years of practical experience in accounting and auditing business and governmental accounting systems, to aid and assist the said Comptroller in preparing the forms authorized to be prepared in Section 3 of this Act. And the Comptroller shall have authority to select the necessary clerical and stenographic assistants to accomplish the purpose of establishing and installing an efficient and practical system of accounts in the collection, reporting and accounting for State taxes, fees, funds and other moneys as contemplated in Section 2 of this Act which declares the pur-

pose of the Legislature in passing this legislation. The said Comptroller is authorized to draw his warrants upon the Treasury of the State of Texas to pay the salaries and other necessary expenses of the said certified public accountant and the necessary clerical and stenographic assistants, to be paid out of the appropriation authorized in Section 17 of this Act. Provided that the employment of a certified public accountant and clerical and stenographic assistant shall be on a temporary basis, which temporary employment shall commence on the date of selection of such assistants and terminate when the system contemplated in this Act has been devised and established and provided further, that the salaries and expenses of such shall not exceed the amount authorized and appropriated for such services in Section 17 of this Act.

Sec. 5. Supervision of Tax Collection. The Comptroller shall supervise the collection and reporting of all taxes and fees due the State from each and every source and their remittance to the State Treasury. He shall have the power to issue all necessary rules and regulations governing the collection of all taxes and fees and the remittance of such taxes and fees to the State Treasury; and such rules and regulations, not in conflict with the Constitution and the general laws of the State of Texas, shall have the force of law unless and until changed by Act or Acts of the Legislature. Such rules and regulations shall be binding upon each and every officer who has the authority to collect or account for any taxes, fees, funds, revenues or other money belonging and accruing to the State of Texas.

Sec. 6. Collection of Taxes. The Comptroller, through his agents and representatives, shall collect the State taxes and fees from each and every source which under any general or special law of the State are authorized to be collected. Provided, however, that the constituted authorities at the State educational institutions, the eleemosynary and penal institutions shall continue to collect the fees and moneys due to be received by these institutions; and provided further that all fees and other moneys collected by such educational, eleemosynary and penal in-

stitutions shall be collected under the supervision of the State Comptroller and such institutions shall be required to use the forms prepared by the Comptroller for the collection of and accounting for such fees and moneys; and provided further that taxes and fees collected by county tax collectors under existing laws shall be collected by the said county collectors under the supervision of the Comptroller.

Sec. 7. Tax Payments. In all cases where taxes, fees, rents, interest, bonuses, leases or other revenues or moneys are paid to the State by check, draft, money order or other evidences of the transfer of money, such check, draft, money order or other evidences shall be made payable to the State Treasurer. In all cases where any money due to the State is paid in cash, the one receiving such money shall issue his receipt as is hereinbelow in this Section provided. In all cases where the payment of taxes is made by the purchase of stamps which are required by law to be affixed to articles sold or instruments recorded, the taxpayer shall purchase such stamps, less any discount allowed by law, in lawful United States money at the office of the State Treasurer, or by tendering or remitting his check, draft, money order or other evidence of the transfer of money to the State Treasurer, or by purchase through local banks which have been or may hereafter be designated as State Revenue Stamp depositories for the sale of Texas Revenue Stamps by the State Treasurer, and said depositories shall make remittances weekly on Mondays to the State Treasurer in the manner hereinabove described for the payment of checks, drafts, and other evidences of the transfer of money, by making the same payable to the State Treasurer. In each and every case where the State Treasurer receives cash in payment of taxes, fees and other moneys due the State or for the purchase of Texas State revenue stamps, the Treasurer shall issue his receipt in triplicate, the first copy of which shall be given or sent to the person making such payment or purchasing Texas State Government revenue stamps, the second copy shall be sent to the Comptroller, and the third copy shall be retained by the State

Treasurer. In each and every case where State taxes, fees, or other money belonging to the State is paid in cash to any person duly authorized to receive State taxes, fees or other moneys accruing to the State other than the State Treasurer, such other person shall issue his receipt in quadruplicate, the first copy of which shall be given or sent to the person making payment, the second copy shall be sent to the Comptroller, the third copy shall be sent to the State Treasurer, and the fourth copy shall be retained by the one receiving such money in payment of taxes or other money in payment of State obligations.

Sec. 8. Permits to do Business and Other Licenses. In all cases where a fee is charged by the State for a permit to do business in the State or a license is required to engage in any profession, sport, or occupation in the State, the applicant for such permit, license, or privilege shall pay the fee required by law in each such case to the Comptroller before the board, commission or other State Government agency authorized to issue permits and licenses shall have authority to issue and deliver to the applicant the permit or license applied for. When the applicant has paid the fee required by law in any such case, the Comptroller shall issue his receipt to such applicant, showing the payment of the necessary fee required by law to be collected, which receipt shall be presented to the issuing board, commission or other government agency and no permit or license shall be issued until the applicant shall have presented a receipt from the Comptroller showing the payment of fee required by law. Provided, however, that the Comptroller shall have authority to permit boards, commissions and other government agencies which are authorized or which may hereafter be authorized to issue permits or licenses to engage in certain professions and types of businesses, to collect the necessary fees where in his judgment the requirement that the applicant shall pay the fee to the Comptroller in advance and present his receipt to the issuing authority, will unduly inconvenience the applicant or the public.

Sec. 9. Tax Remittances. Remittances in payment of State taxes,

fees, rents, interest, bonuses and other moneys accruing to the State, with the exceptions in regard to the payment for revenue tax stamps and direct payments in cash as provided in Section 7 of this Act, shall be made at the office of the Comptroller in Austin and the agents and representatives of State institutions collecting incidental State taxes and fees or other moneys accruing to the State as provided in Section 6 of this Act, shall make weekly reports on Mondays to the Comptroller and with such reports shall enclose all checks, drafts, and other evidences of the transfer of money received in payment of State taxes, fees or other moneys accruing to the State, together with copies of individual receipts issued to taxpayers making payments in cash. The said report shall show separately the total amount of taxes and fees collected, the name of each person paying State tax or fee or other money, the number and kind of licenses issued, if any, and a certified check or United States Post Office Money Order payable to the State Treasurer in the amount of the total of all cash payments received during the preceding week, together with any other pertinent information which the Comptroller shall deem necessary to enable him to maintain accurate records in regard to the collection of State moneys.

Sec. 10. Reports to the Comptroller. Each and every State officer, agent or representative of any State commission, board, bureau, institution or any other agency of the State Government who has been authorized to receive money in payment of State taxes, fees, or other moneys due the State, shall make daily written reports to the State Comptroller; provided, however, if in the judgment of the Comptroller the interest of the State will be fully protected in cases of the collection of incidental taxes and fees, court fees, fines and judgments, he may waive the requirement that daily reports shall be made and may require such officers, agents and representatives to make weekly reports to the said State Comptroller.

Sec. 11. Nature of Reports to the Comptroller. All State officers and other persons authorized or commissioned to receive any State

taxes, fees or other moneys belonging to the State, shall be required to make written reports to the State Comptroller, as provided in Section 10 of this Act. Such reports shall be made on the forms prepared and prescribed by the Comptroller and shall contain in addition to any other information required by the Comptroller: total amount of taxes and fees collected, listed separately; amount collected from each tax source; the name of each taxpayer or other person paying money belonging to the State. To the report shall be attached all checks, drafts and money orders received in payment of taxes, fees, or other moneys; copy of each receipt given to taxpayers or others who have paid in cash; and a certified check or United States Post Office Money Order payable to the State Treasurer in an amount equal to the total of all cash payments received since the last report was made.

Sec. 12. Reports to the State Treasurer. The Comptroller shall make daily (Sundays and legal holidays excepted) reports and remittances of taxes collected to the State Treasurer. The said reports shall list separately the amounts collected for each fund authorized to be maintained by the State Treasurer and attached to the report shall be included all checks, drafts, money orders and other evidences of the payment of taxes, revenues or other State moneys, together with any cash that has been paid to the Comptroller since his last report to the State Treasurer.

Sec. 13. Printing and Engraving State Revenue Stamps.

There is hereby created a State Revenue Stamp Board, to be composed of the members of the State Board of Control which shall hereafter in this Act be referred to as the Board. The Board shall, upon the recommendation and requisition of the State Comptroller, let all contracts for the printing, engraving, or printing and engraving, of all State revenue stamps required by law to be affixed to documents registered in the office of the county clerk in the counties of Texas, stamps required by law to be affixed to the container in the sale of beer, wine, liquors and cigarettes,

and any other stamps which are now or may hereafter be required by law in the payment of any State taxes of this State. The said Board shall let all contracts for the printing or engraving, or printing and engraving of State revenue stamps by calling for bids in the manner now required by law in the letting of contracts by the State Board of Control. The State Comptroller shall be custodian of all plans, notes, drawings, dies, plates, and descriptive material used in printing and engraving Texas State revenue tax stamps, and he shall be custodian of all such stamps printed or engraved or printed and engraved and shall be responsible for their safe keeping until such stamps or any portion thereof are delivered to the office of the State Treasurer and a receipt therefor has been obtained. The Comptroller shall be authorized, and he is hereby authorized, to make the drawings for and designs of all Texas State revenue tax stamps. He shall have authority to approve, accept, and adopt the designs of any State revenue stamps now in use which, in his judgment, are best designed to meet the revenue laws of Texas now in effect, and he shall have authority to change, modify or discard any Texas State revenue stamp designs now in use, and to design and adopt others in such cases where in his judgment a stricter enforcement of the revenue laws will be effected. In any case where any change is made in the design of a Texas State revenue tax stamp, the Comptroller shall, in the manner now provided by law in such cases, give public notice of such change sixty (60) days prior to the effective date of such change, and any unused stamps of the old design lawfully in the possession of taxpayers, shall be redeemed at the purchase price by the State Treasurer.

#### Sec. 14. State Funds.

On and after September 1, 1939, the classes of funds enumerated below and only such funds shall be maintained by the State Treasurer which designated State depositories:

(1) Constitutional Funds. The State Treasurer shall maintain separate funds in all cases where the Constitution of Texas specifically provides for such funds, including

the following funds: Available School Fund, Confederate Pension Fund, Permanent School Fund, Permanent University Fund, Permanent Lunatic Fund, Permanent Blind Fund, Permanent Deaf and Dumb Fund, Permanent State Orphans Fund, Teachers Retirement Fund, Rusk State Hospital Fund.

(2) Federal Funds. The State Treasurer shall maintain separate funds for the safekeeping and accounting for all Federal moneys granted to the State in all cases wherein the Federal statutes or the regulations of Federal agencies making such moneys available to the States, require separate funds to be maintained.

(3) Bond, Endowment and Investment Funds. The Treasurer shall maintain separate funds for each bond issue and a separate bond sinking fund for each series of State bonds issued. He shall in like manner maintain a separate fund for each endowment or investment approved and authorized by the Legislature.

(4) Trust Funds. The State Treasurer is hereby authorized and required to maintain special funds to account for moneys received by the State which are collected for the benefit of local units of government and in all cases wherein the State receives moneys which are held for the benefit of others than the State Government, including the Upper Colorado River Authority Fund, Medina Lake Fund, and Dissolution of Solvent Corporations Fund.

(5) Tax Funds. The State Treasurer shall maintain a separate tax fund for the receipt of all moneys collected under the Motor Fuel Tax Law which shall be designated as the Motor Fuel Tax Fund, and a second tax fund which shall be designated as the General Tax Fund into which shall be placed all taxes, fees and other moneys collected by the State, except the motor fuel taxes and such other taxes, fees and moneys as are specifically set aside by the Constitution and laws for the benefit of the constitutional funds, Federal funds, bond funds, endowment funds, investment funds, and trust funds. All taxes, fees and other moneys received by the Treas-

urer shall be placed in the proper funds on the date they are received by the Treasurer and shall be allocated to the proper disbursement fund on order issued by the State Comptroller.

(6) Disbursement Funds. In addition to the constitutional funds, Federal funds, bond funds, endowment funds, investment funds and trust funds, the State Treasurer shall maintain a highway fund for paying out moneys allocated to the Highway Department; old age assistance fund for paying State and Federal old age assistance and other disbursing funds where Federal and State moneys are used in carrying on joint projects; and a general fund for paying all other obligations of the State not paid out of any one of the funds in the classifications of funds above. All special funds in existence prior to September 1, 1939, are hereby specifically abolished and payments for the purposes for which such funds were set up shall on and after the above date be made from the general fund.

In all cases where special funds are by this Act abolished, the Treasurer and the Comptroller shall maintain accounts in lieu of funds sufficient in number property to reflect the financial transactions in regard to any legislative purpose expressed in the laws of the State, and all moneys now in special funds which are by this Act abolished, shall on the above date be transferred to the proper funds set up in this Act.

#### Sec. 15. Penalties.

Any State officer or other person authorized to receive State taxes, fees, or other State money violating any of the provisions of this Act shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than One Hundred (\$100) Dollars, nor more than One Thousand (\$1000) Dollars, or confined in the county jail for not less than sixty (60) days, nor more than six (6) months, or shall be punished by both such fine and imprisonment. Provided that when any State officer or employee charged with any duties or responsibilities under this Act shall have been charged in an indictment or by information with any violation of this Act, such officer or employee shall be suspended

from office during the pendency and trial of such violation of this Act, and provided that in case such State officer or employee is convicted by the court on the charges preferred in the indictment or information such officer or employee shall be dismissed from the service and the Comptroller shall have no authority to issue any salary or expense warrant in favor of such officer or employee during the pendency of such charge in the court, and in case of conviction no further salary or expense warrants shall be issued by the Comptroller in favor of such officer or employee.

#### Sec. 16. Effective Date.

The provisions of this Act governing the use of forms to be prepared by the Comptroller and the provisions governing supervision of tax collections by the Comptroller and the collection of State taxes and all other provisions of this Act, with the exception of the sections relating to the preparation of the forms to be used, which latter sections shall become effective immediately upon passage of this Act, shall become a law and take effect September 1, 1939.

#### Sec. 17. Appropriation.

There is hereby appropriated out of any money in the General Fund in the State Treasury not otherwise appropriated, the sum of Ten Thousand (\$10,000) Dollars or so much thereof as may be needed by the Comptroller in preparing the necessary forms, establishing the system of reports and controls over the collection, reporting and accounting for State taxes, fees, funds and other State moneys and in paying the necessary salaries and expenses of expert clerical and stenographic assistants provided for in Section 4 of this Act.

#### Sec. 18. Repealing Clause.

All laws and parts of laws in conflict with any provision or provisions of this Act are hereby repealed.

#### Sec. 19. Emergency.

The fact there is now no centralized accounting office for the collection of all State taxes, fees, and other moneys and the fact that there are numerous departments, boards, bureaus, commissions and institutions collecting money belong-

ing to the State and over which there is no coordinated control, and the further fact that there are numerous possibilities for the State losing a considerable amount of money due to the lax and unbusinesslike system of collecting State taxes, creates an emergency and an imperative public necessity that the Constitutional Rule, requiring all bills to be read on three separate days, be suspended and that this Act shall take effect and put in force from and after its passage, and it is so enacted.

#### SENATE RETIRES

At the conclusion of the Address, the Senate, at 11:55 o'clock a. m., retired to its Chamber.

#### RECESS

On motion of Mr. Kersey the House at 12 o'clock m. took recess until 3:00 o'clock p. m. today.

#### AFTERNOON SESSION

The House met at 3:00 o'clock p. m. and was called to order by the Speaker.

#### COUNTING THE VOTES CAST FOR GOVERNOR AND LIEUTENANT GOVERNOR

At the hour of 3:00 o'clock p. m., fixed by concurrent action of the two Houses, for the House of Representatives and the Senate to meet in Joint Session, for the purpose of counting the votes for Governor and Lieutenant Governor, cast at the General Election, held on the fifth day of November, 1940, the Honorable Senators were announced at the Bar of the House, and were admitted.

Escorted by Honorable Bob Barker, Secretary of the Senate, the Senators occupied seats prepared for them.

Lieutenant Governor Coke R. Stevenson occupied a seat on the Speaker's stand.

Lieutenant Governor Coke R. Stevenson called the Senate to order and stated that the two Houses were in Joint Session for the purpose of

counting the votes cast for Governor and Lieutenant Governor of the State of Texas.

Lieutenant Governor Coke R. Stevenson directed the Clerk to call the roll of the Senate.

The roll of the Senate was called and the following Senators were present:

Aikin	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Beck Spears

A quorum of the Senate was announced present.

Speaker Leonard called the House of Representatives to order.

Speaker Leonard then directed the Clerk to call the roll of the House.

The roll of the House was called and the following Members were present:

Mr. Speaker	Carlton
Allen	Carrington
Allison	Cato
Alsup	Celaya
Avant	Chambers
Bailey	Clark
Baker	Cleveland
Bean	Coker
Benton	Colson, Mrs.
Blankenship	Connelly
Boone	Craig
Brawner	Crossley
Bray	Crosthwait
Bridgers	Daniel
Brown	Davis
Bruhl	Deen
Bullock	Dickson of Bexar
Bundy	Dickson of Nolan
Burkett	Donald
Burnaman	Dove



Duckett	McDonald
Dwyer	McGlasson
Ellis	McLellan
Eubank	McNamara
Evans	McMurry
Favors	Manford
Ferguson	Manning
Files	Markle
Fitzgerald	Martin
Fuchs	Matthews
Gandy	Mills
Garland	Montgomery
Gilmer	Moore
Goodman	Morgan
Halsey	Morris
Hanna	Morse
Hardeman	Murray
Hargis	Nicholson
Harris of Dallas	Pace
Harris of Hill	Parker
Hartzog	Pevehouse
Heflin	Phillips
Helpinstill	Price
Henderson	Rampy
Hileman	Reed of Bowie
Hobbs	Reed of Dallas
Howard	Ridgeway
Howington	Roark
Hoyo	Roberts
Huddleston	Rhodes
Huffman	Sallas
Hughes	Senterfitt
Humphrey	Sharpe
Hutchinson	Shell
Isaacks	Simpson
Jones	Skiles
Kelly	Smith of Bastrop
Kennedy	Smith of Atascosa
Kersey	Spacek
Kinard	Spangler
King	Stanford
Klingeman	Stinson
Knight	Stubbs
Lansberry	Taylor
Lehman	Thornton
Leyendecker	Turner
Little	Vale
Lock	Voigt
Love	Walters
Lowry	Wattner
Lucas	Weatherford
Lyle	White
McAlister	Whitesides
McCann	Winfree

Absent—Excused

Anderson                      Bell

A quorum of the House was announced present.

The Lieutenant Governor announced the appointment of the following tellers, on the part of the Senate: Senators Brownlee, Isbell, Martin, Formby and Fain.

The Speaker announced the appointment of the following tellers, on the part of the House: Messrs. Moore, Henderson, Eubank, McGlasson and Sallas.

The joint tellers were announced present.

The Speaker then requested the joint tellers to come forward to receive the returns of the last General Election for Governor and Lieutenant Governor, which returns had been duly delivered by the Secretary of State to the Speaker of the House of Representatives of the Forty-seventh Legislature.

The joint tellers then proceeded to the work of counting the votes cast for Governor and Lieutenant Governor.

(Pending the counting of the votes, Mr. Blankenship, Mr. Heflin and Mr. McNamara occupied the Chair temporarily.)

(Speaker in the Chair.)

When the count was completed, the Lieutenant Governor and the Speaker announced to the Joint Session, that the joint tellers had completed the count of the votes, and that the Joint Session is now ready to receive the result, and to have the report of the joint tellers.

Senator Houghton Brownlee, on the part of the Senate, and Honorable Choice Moore, on the part of the House, submitted the following report, which was read to the Joint Session:

House of Representatives.

Austin, Texas, January 16, 1941.

Hon. Coke Stevenson, Lieutenant Governor:

Hon. Homer Leonard, Speaker:

We, the joint committee and the tellers appointed by the Senate and House of Representatives to canvass the votes cast at the last General

Election held in the State of Texas on November 5, 1940, for Governor and Lieutenant Governor of the State of Texas as shown by returns delivered to us by the Secretary of State, beg leave to report that we have performed that duty and the result of our canvass is as follows:

There were cast for Governor:

W. Lee O'Daniel	1,019,338
George C. Hopkins	59,885
Ben H. Lauderdale	202
Geo. Atkinson	1
Bert Bollinger	1
T. T. Bouldin	1
Floyd Chafin	1
Bill Corry	6
Jim Ferguson	2
M. Ferguson	9
John N. Garner	1
Duce Gillispie	3
Margaret Harris Gordon	2
Walter Griffin	1
Tom Helm	1
Harry Hines	7
Sarah Hughes	1
Tom Hunter	2
H. O. Kane	1
John C. Kay	1
Y. E. Karr	1
Lynn Landrum	1
Bert Lowe	1
Bill McCraw	2
Bob McKissock	1
Gerald Mann	2
Lowery Martin	1
Petter Molyneaux	1
Robert Montgomery	1
Dan Moody	2
Pat M. Neff	1
A. D. Sunderman	1
Simon Taylor	1
E. O. Thompson	47
Bud Thompson	2
Leo Weiler	1
Ed Williams	1
Edgar Witt	1
Eugene Ward	1
Major Yates	1
Leo Hammott	1
Maury Maverick	1

There were cast for Lieutenant Governor:

Coke R. Stevenson	1,020,977
S. D. Bennett	47,622
Cecil B. Robinett	268

There were 233 counties reporting.

All of which is respectfully submitted.

BROWNLEE,  
ISBELL,  
MARTIN,  
FORMBY  
FAIN,

On the part of the Senate.

MOORE,  
HENDERSON,  
EUBANK,  
SALLAS,  
McGLASSON,

On the part of the House.

Whereupon, the Speaker made the following announcement:

"Honorable W. Lee O'Daniel, having received the highest number of votes cast, I, by virtue of the authority vested in me by the Constitution and laws of the State of Texas, declare him duly, legally and constitutionally elected Governor of the State of Texas for the ensuing term of two years, and Honorable Coke R. Stevenson, having received the highest number of votes cast, I, by virtue of the authority vested in me by the Constitution and the laws of the State of Texas, declare him duly, legally and constitutionally elected Lieutenant Governor of the State of Texas for ensuing term of two years."

The Speaker then delivered the official returns to the Chief Clerk of the House of Representatives, taking his receipt therefor, and directing him to deliver the same in person to the Secretary of State, and to take the receipt of the Secretary of State for the documents.

The Speaker then announced that the business of the Joint Session was concluded.

#### SENATE RETIRES

At the conclusion of the Joint Session, the Senate at 5:30 o'clock p. m., retired to its Chamber.

#### MESSAGE FROM THE SENATE

Austin, Texas, January 15, 1941.

Hon. Homer Leonard, Speaker of the House.

Sir: I am directed by the Senate to inform the House that the Senate has adopted S. C. R. No. 2, In mem-

ory of Honorable George Edward Robinson, Sr.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

#### RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House after giving due notice thereof and their captions had been read severally the following enrolled resolutions:

H. C. R. No. 6, Providing for Parking Space for Members of the Legislature.

H. C. R. No. 3, Adopting Temporary Joint Rules of the Legislature.

#### ADJOURNMENT

On motion of Mr. Ferguson the House at 5:35 o'clock p. m. adjourned until 10 o'clock a. m. tomorrow.

#### APPENDIX

#### REPORT OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, January 16, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 1, "An Act making an appropriation of the sum of Three Hundred and Fifty Thousand Dollars (\$350,000), or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of members and the per diem of officers and employees of the Regular Session of the Forty-seventh Legislature, and to pay any unpaid accounts or expenses of the Forty-sixth Legislature, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

E. R. LINDLEY, Chief Clerk.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 1, Relative to mileage and per diem of members of the Legislature;

H. C. R. No. 2, Providing for a Joint Session to hear the address of Governor W. Lee O'Daniel;

H. C. R. No. 4, Providing for Committee to make arrangements for inauguration of Governor and Lieutenant Governor;

H. C. R. No. 5, Providing for a Joint Session to count votes for Governor and Lieutenant Governor.

Has carefully compared same and finds them correctly enrolled.

E. R. LINDLEY, Chief Clerk.

#### REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, January 15, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 11, Providing that employees of State Departments called into active military training shall be re-employed at the termination of their tour of duty with the armed forces.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, January 15, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 7, Naming a Committee to select a Poet Laureate of the State of Texas.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, January 15, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 8, Regarding the death of Hon. George Edward Robinson, Sr.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

**In Memory of**

**Mr. G. A. Wynne**

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Mr. Kelly offered the following resolution:

H. S. R. No. 35, In Memory of Mr. G. A. Wynne.

Whereas, On November 1, 1940, The Almighty, in His infinite wisdom, called home from our midst Mr. G. A. Wynne of Huntsville, Texas, a prominent and well beloved citizen of East Texas; and

Whereas, Mr. Wynne in his later years was serving as banker and chairman of the board of the First National Bank of Huntsville, Texas; and

Whereas, His memory is revered by his community, and his kindness and beneficial work will remain forever in the minds of those who loved him and others to whom his friendship was unexcelled; and

Whereas, A life of such distinguished service and devout Christianity deserves recognition and tribute by his fellow man; therefore, be it

Resolved by the House of Representatives, That the Members thereof deeply regret the passing of this noble and worthy character, and that we extend our sincere sympathy to the surviving members of his family; and be it further

Resolved, That when the House adjourns today, it do so in memory of Mr. G. A. Wynne, that a page of the House Journal of today be dedicated to his memory, and that the Chief Clerk of the House of Representatives be instructed to send four (4) copies of this resolution to his son, Mr. Gibbs A. Wynne, of Huntsville, Texas, for the various members of his family.

The resolution was read second time and was unanimously adopted.